FEDERAL REGISTER

VOLUME 24 NUMBER 135

Washington, Saturday, July 11, 1959

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Labor

Effective upon publication in the FEDERAL REGISTER, subparagraph (4) is added to § 6.313(h) as set out below.

§ 6.313 Department of Labor.

* * * * *

(h) *Bureau of Labor Standards.* * * *

(4) One Confidential Assistant to the Director.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F.R. Doc. 59-5751; Filed, July 10, 1959; 8:47 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 173]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 922.473 Valencia Orange Regulation 173.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) *It is hereby further found that it* is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 *et seq.*) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 9, 1959.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., July 12, 1959, and ending at 12:01 a.m., P.s.t. July 19, 1959, are hereby fixed as follows:

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A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

A Cumulative Codification Guide covering the current month appears at the end of each issue beginning with the second issue of the month.

(i) District 1: Unlimited movement;
(ii) District 2: 693,000 cartons;
(iii) District 3: Unlimited movement.

(2) All Valencia oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 10, 1959.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59-5829; Filed, July 10, 1959; 11:27 a.m.]

[Plum Order 18]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

Regulation by Sizes

§ 936.632 Plum Order 18.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such plums and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on June 30, 1959.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., July 15, 1959, and ending at 12:01 a.m., P.s.t., November 1, 1959, no shipper shall ship any package or container of Diamond or Giant plums except in accordance with the following terms and conditions:

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 5 x 5 standard pack;

(ii) If the plums are packed in any container other than a standard basket, seventy-five (75) percent, by count, of the plums measure not less than one and ten-sixteenth ($1\frac{10}{16}$) inches in diameter: *Provided,* That, individual containers in any lot may contain not more than thirty-seven and one-half ($37\frac{1}{2}$) percent, by count, of plums which measure less than one and ten-sixteenth ($1\frac{10}{16}$) inches in diameter, if the average percent of such smaller sized plums in all containers in such lot does not exceed twenty-five (25) percent: *And provided further,* That, if the plums are packed in a special plum box and are of a size not smaller than a size that will pack a $7\frac{1}{2}$-row standard pack, they shall be deemed to meet the minimum size requirements of this subparagraph; and

(iii) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided,* That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) When used in this section, "U.S. No. 1," "fairly uniform in size," "serious damage," and "standard pack" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) (§§ 51.1520 to 51.1537 of this title; 23 F.R. 3509); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "special plum box" shall mean the special plum box set forth in section 828.15 of the Agricultural Code of California; "6-row standard pack" shall mean that the top layer of the pack contains 39 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "7-row standard pack" shall mean that the top layer of the pack contains 52 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "$7\frac{1}{2}$-row standard pack" shall mean that the top layer of the pack contains 56 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "$8\frac{1}{2}$-row standard pack" shall mean that the top layer of the pack contains 72 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(3) Section 936.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 8, 1959.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59-5755; Filed, July 10, 1959; 8:48 a.m.]

[Plum Order 19]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

Regulation by Sizes

§ 936.633 Plum Order 19.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this

section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such plums and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on June 30, 1959.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., July 15, 1959, and ending at 12:01 a.m., P.s.t., November 1, 1959, no shipper shall ship any package or container of Emily plums except in accordance with the following terms and conditions:

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 4 x 5 standard pack;

(ii) If the plums are packed in any container other than a standard basket, sixty-six and two-thirds (66⅔) percent, by count, of the plums measure not less than one and thirteen-sixteenth ($1^{13}/_{16}$) inches in diameter: *Provided,* That, individual containers in any lot may contain not more than fifty (50) percent, by count, of plums which measure less than one and thirteen-sixteenth ($1^{13}/_{16}$) inches in diameter, if the average percentage of such smaller sized plums in all containers in such lot does not exceed thirty-three and one-third (33⅓) percent: *And provided further,* That, if the plums are packed in a special plum box and are of a size not smaller than a size that will pack a 7-row standard pack, they shall be deemed to meet the minimum size requirements of this subparagraph; and

(iii) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided,* That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) During each day of the aforesaid period, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than the size prescribed in subparagraph (1) of this paragraph if said quantity does not exceed eleven and eleven one-hundredths (11.11) percent of the number of the same type of packages or containers of plums shipped by such shipper which meet the size requirement of said subparagraph (1) of this paragraph and all such smaller plums meet the following applicable requirements:

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 5 x 5 standard pack;

(ii) If the plums are packed in any container other than a standard basket, seventy-five (75) percent, by count, of the plums measure not less than one and ten-sixteenth ($1^{10}/_{16}$) inches in diameter: *Provided,* That, individual containers in any lot may contain not more than thirty-seven and one-half (37½) percent, by count, of plums which measure less than one and ten-sixteenth ($1^{10}/_{16}$) inches in diameter, if the average percentage of such smaller sized plums in all containers in such lot does not exceed twenty-five (25) percent: *And provided further,* That, if the plums are packed in a special plum box and are of a size not smaller than a size that will pack a 7½-row standard pack, they shall be deemed to meet the minimum requirements of this subparagraph; and

(iii) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided,* That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(3) If any shipper, during any day of the aforesaid period, ships from any shipping point less than the maximum allowable quantity of such plums that may be of a size smaller than the size prescribed in subparagraph (1) of this paragraph, the quantity of such undershipment may be shipped by such shipper only from such shipping point during the next 2 succeeding calendar days: *Provided,* That, shipment is also made on the particular calendar day by such shipper of the full quantity of such smaller sized plums such shipper is authorized to ship on such day under subparagraph (2) of this paragraph.

(4) When used in this section, "U.S. No. 1," "fairly uniform in size," "serious damage," and "standard pack" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) (§§ 51.1520 to 51.1537 of this title; 23 F.R. 3509); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "special plum box" shall mean the special plum box set forth in section 828.15 of the Agricultural Code of California; "6-row standard pack" shall mean that the top layer of the pack contains 39 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "7-row standard pack" shall mean that the top layer of the pack contains 52 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "7½-row standard pack" shall mean that the top layer of the pack contains 56 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "8½-row standard pack" shall mean that the top layer of the pack contains 72 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(5) Section 936.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 8, 1959.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59–5756; Filed, July 10, 1959; 8:48 a.m.]

[Plum Order 20]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

Regulation by Sizes

§ 936.634 Plum Order 20.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-

making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such plums and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on June 30, 1959.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., July 15, 1959, and ending at 12:01 a.m., P.s.t., November 1, 1959, no shipper shall ship any package or container of Nubiana plums except in accordance with the following terms and conditions:

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 4 x 4 standard pack;

(ii) If the plums are packed in any container other than a standard basket, seventy-five (75) percent, by count, of the plums measure not less than two (2) inches in diameter: *Provided,* That, individual containers in any lot may contain not more than thirty-seven and one-half (37½) percent, by count, of plums which measure less than two (2) inches in diameter, if the average percentage of such smaller sized plums in all containers in such lot does not exceed twenty-five (25) percent: *And provided further,* That, if the plums are packed in a special plum box and are of a size not smaller than a size that will pack a 6-row standard pack, they shall be deemed to meet the minimum size requirements of this subparagraph; and

(iii) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided,* That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) During each day of the aforesaid period, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than the size prescribed in subparagraph (1) of this paragraph if said quantity does not exceed thirty-three and one-third (33⅓) percent of the number of the same type of packages or containers of plums shipped by such shipper which meet the size requirement of said subparagraph (1) of this paragraph and all such smaller plums meet the following applicable requirements:

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 4 x 5 standard pack;

(ii) If the plums are packed in any container other than a standard basket, sixty-six and two-thirds (66⅔) percent, by count, of the plums measure not less than one and thirteen-sixteenth ($1\frac{13}{16}$) inches in diameter: *Provided,* That, individual containers in any lot may contain not more than fifty (50) percent, by count, of plums which measure less than one and thirteen-sixteenth ($1\frac{13}{16}$) inches in diameter, if the average percentage of such smaller sized plums in all containers in such lot does not exceed thirty-three and one-third (33⅓) percent: *And provided further,* That, if the plums are packed in a special plum box and are of a size not smaller than a size that will pack a 7-row standard pack, they shall be deemed to meet the minimum requirements of this subparagraph; and

(iii) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided,* That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(3) If any shipper, during any day of the aforesaid period, ships from any shipping point less than the maximum allowable quantity of such plums that may be of a size smaller than the size prescribed in subparagraph (1) of this paragraph, the quantity of such undershipment may be shipped by such shipper only from such shipping point during the next 2 succeeding calendar days: *Provided,* That, shipment is also made on the particular calendar day by such shipper of the full quantity of such smaller sized plums such shipper is authorized to ship on such day under subparagraph (2) of this paragraph.

(4) When used in this section, "U.S. No. 1," "fairly uniform in size," "serious damage," and "standard pack" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) (§§ 51.1520 to 51.1537 of this title; 23 F.R. 3509); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "special plum box" shall mean the special plum box set forth in section 828.15 of the Agricultural Code of California; "6-row standard pack" shall mean that the top layer of the pack contains 39 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "7-row standard pack" shall mean that the top layer of the pack contains 52 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "7½-row standard pack" shall mean that the top layer of the pack contains 56 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "8½-row standard pack" shall mean that the top layer of the pack contains 72 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(5) Section 936.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 8, 1959.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59-5757; Filed, July 10, 1959; 8:48 a.m.]

[Plum Order 21]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

Regulation by Sizes

§ 936.635 Plum Order 21.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement

and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is imprcticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this order until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this order is based became available and the time when this order must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient; and this order relieves restriction on the handling of Becky Smith plums grown in California.

(b) *Order.* (1) The provisions of Plum Order 7 (§ 936.620; 24 F.R. 4904) are hereby terminated insofar as they apply to Becky Smith plums at the effective time of this regulation.

(2) During the period beginning at 12:01 a.m., P.s.t., July 9, 1959, and ending at 12:01 a.m., P.s.t., November 1, 1959, no shipper shall ship from any shipping point during any day any package or container of Becky Smith plums except in accordance with the following terms and conditions:

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 4 x 4 standard pack;

(ii) If the plums are packed in any container other than a standard basket, seventy-five (75) percent, by count, of the plums measure not less than two (2) inches in diameter: *Provided,* That, individual containers in any lot may contain not more than thirty-seven and one-half (37½) percent, by count, of plums which measure less than two (2) inches in diameter, if the average percentage of such smaller sized plums in all containers in such lot does not exceed twenty-five (25) percent; *And provided further,* That, if the plums are packed in a special plum box and are of a size not smaller than a size that will pack a 6-row standard pack, they shall be deemed to meet the minimum size requirements of this subparagraph; and

(iii) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided,* That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(3) During each day of the aforesaid period, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than the size prescribed in subparagraph (2) of this paragraph if said quantity does not exceed thirty-three and one-third (33⅓) percent of the number of the same type of packages or containers of plums shipped by such shipper which meet the size requirement of said subparagraph (2) of this paragraph and all such smaller plums meet the following applicable requirements:

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 4 x 5 standard pack;

(ii) If the plums are packed in any container other than a standard basket, sixty-six and two-thirds (66⅔) percent, by count, of the plums measure not less than one and thirteen-sixteenths (1 13/16) inches in diameter: *Provided,* That, individual containers in any lot may contain not more than fifty (50) percent, by count, of plums which measure less than one and thirteen-sixteenths (1 13/16) inches in diameter, if the average percentage of such smaller sized plums in all containers in such lot does not exceed thirty-three and one-third (33⅓) percent: *And provided further,* That, if the plums are packed in a special plum box and are of a size not smaller than a size that will pack a 7-row standard pack, they shall be deemed to meet the minimum requirements of this subparagraph; and

(iii) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided,* That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(4) If any shipper, during any day of the aforesaid period, ships from any shipping point less than the maximum allowable quantity of such plums that may be of a size smaller than the size prescribed in subparagraph (2) of this paragraph, the quantity of such undershipment may be shipped by such shipper only from such shipping point during the next 2 succeeding calendar days: *Provided,* That, shipment is also made on the particular calendar day by such shipper of the full quantity of such smaller sized plums such shipper is authorized to ship on such day under subparagraph (3) of this paragraph.

(5) When used in this section, "standard pack" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) (§§ 51.1520 to 51.1537 of this title; 23 F.R. 3509); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "special plum box" shall mean the special plum box set forth in section 828.15 of the Agricultural Code of California; "6-row standard pack" shall mean that the top layer of the pack contains 39 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "7-row standard pack" shall mean that the top layer of the pack contains 52 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, excepting as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(6) Section 936.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(c) Nothing contained herein shall be construed (1) as affecting or waiving any right, duty, obligation, or liability which has arisen or which, prior to the effective time of the provisions hereof, may arise in connection with any provision of said Plum Order 7; or (2) as releasing or extinguishing any violation of Plum Order 7 which has occurred or which, prior to the effective time of the provisions hereof, may occur.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 8, 1959, to be effective on and after 12:01 a.m., P.s.t., July 9, 1959.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59-5758; Filed, July 10, 1959; 8:48 a.m.]

[Lemon Reg. 800]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 953.907 Lemon Regulation 800.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 23 F.R. 9053), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this section is based becomes available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making

the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 9, 1959.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., July 12, 1959, and ending at 12:01 a.m., P.s.t., July 19, 1959, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 395,250 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 9, 1959.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59-5796; Filed, July 10, 1959; 9:38 a.m.]

PART 959—IRISH POTATOES GROWN IN MODOC AND SISKIYOU COUNTIES, CALIF., AND IN ALL COUNTIES IN OREGON, EXCEPT MALHEUR COUNTY

Limitation of Shipments

Findings. (a) Marketing Agreement No. 114, as amended, and Order No. 59, as amended (7 CFR Part 959), effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), provide methods for limiting the handling of potatoes grown in the production area defined therein through the issuance of regulations authorized in §§ 959.1 through 959.88, inclusive, of the order. The Oregon-California Potato Committee, pursuant to § 959.51 of the order, has recommended that regulations limiting the handling of 1959 crop potatoes should be issued. The recommendations of the committee and information submitted by it, with other available information, have been considered and it is hereby found that the limitation of shipments hereinafter set forth will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, (2) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth below, on and after the effective date of this section, (3) compliance with this section will not require any special preparation on the part of handlers which cannot be completed by the effective date, (4) reasonable time is permitted, under the circumstances, for such preparation, and (5) information regarding the committee's recommendations have been made available to producers and handlers in the production area.

§ 959.317 Limitation of shipments.

During the period from July 13, 1959, through September 10, 1959, no person shall handle any lot of potatoes unless such potatoes meet the requirements of paragraphs (a) and (b) of this section or unless such potatoes are handled in accordance with paragraphs (c), (d), (e), and (f) of this section.

(a) *Minimum grade and size requirements.* All varieties: U.S. No. 2, or better, grade, 1⅞ inches minimum diameter.

(b) *Minimum maturity requirements.* (1) All varieties: "Moderately skinned" which means that not more than 10 percent of the potatoes in any lot may have more than one-half of the skin missing or "feathered".

(2) Not to exceed a total of 100 hundredweight of any variety of a lot of potatoes may be handled for any producer any seven consecutive days without regard to the aforesaid maturity requirements. Prior to each shipment of potatoes exempt from the above maturity requirements, the handler thereof shall report to the committee the name and address of the producer of such potatoes, and each such shipment shall be handled as an identifiable entity.

(c) *Special purpose shipments.* (1) The minimum grade, size, and maturity requirements set forth in paragraphs (a) and (b) of this section shall not be applicable to shipments of potatoes for any of the following purposes:

(i) *Certified seed.*

(ii) *Livestock feed or grading and storing: Provided,* That potatoes may not be shipped for such purpose outside of the district where grown except that potatoes grown in District No. 2 or District No. 4 may be shipped for grading and storing or for livestock feed within, or to, such districts for such purposes.

(iii) *Charity.*

(iv) *Starch.*

(v) *Canning or freezing.*

(2) The minimum grade, size, and maturity requirements set forth in paragraphs (a) and (b) of this section shall be applicable to shipments of potatoes for each of the following purposes:

(i) *Dehydration: Provided,* That potatoes of a size not smaller than 1½ inches in diameter may be shipped if at least 85 percent of the potatoes grade not less than U.S. No. 1.

(ii) *Export: Provided,* That Size B potatoes may be shipped if they meet the requirements of the U.S. No. 1, or better, grade.

(iii) *Potato chipping: Provided,* That potatoes which fail to meet the requirements of paragraphs (a) and (b) of this section because of damage from shriveling or sprouting caused by the conditioning of the potatoes for potato chipping may be shipped: *Provided further,* That potatoes which have been conditioned for use for potato chipping and from which both ends are clipped or from which more than one-fourth of the potato has been cut away may be shipped if the remaining portion weighs 6 ounces or more and if such potatoes otherwise meet the applicable grade requirements: *Provided further,* That potatoes which by clipping second growth could be made to meet the aforesaid grade and size requirements may be shipped without such clipping.

(iv) *Hash browns or potato salad: Provided,* That Size B potatoes may be shipped if they meet the requirements of the U.S. No. 1, or better, grade.

(d) *Safeguards.* (1) Each handler making shipments of certified seed pursuant to subparagraph (c) of this section shall:

(i) Furnish the committee with either a copy of the applicable certified seed inspection certificate or shall apply for and obtain a Certificate of Privilege and, upon request by the Committee, furnish reports of each shipment made pursuant to each Certificate of Privilege.

(2) Each handler, making shipments of potatoes for canning, freezing, dehydration, export, potato chipping, or for use in hash browns or potato salad, pursuant to paragraph (c) of this section shall:

(i) First apply to the committee for and obtain a Certificate of Privilege to make such shipments.

(ii) Pay assessments on such shipments, except shipments for canning or freezing.

(iii) Have such shipments inspected, except shipments for canning or freezing.

(iv) Upon request by the committee furnish reports of each shipment made pursuant to each Certificate of Privilege.

(v) At the time of applying to the committee for a Certificate of Privilege, or promptly thereafter, furnish the committee with a receiver's or buyer's certification that the potatoes so handled are to be used only for the purpose stated in such application and that such receiver will complete and return to the com-

mittee such periodic receivers' reports that the committee may require.

(vi) Mail to the office of the committee a copy of the bill of lading for each Certificate of Privilege shipment promptly after date of such shipment.

(vii) Bill each shipment directly to the applicable processor or receiver.

(e) *Minimum quantity exception.* Each handler may ship up to, but not to exceed, 5 hundredweight of potatoes any day without regard to the inspection and assessment requirements of this part, but this exception shall not apply to any portion of a shipment of over 5 hundredweight of potatoes.

(f) *Inspection.* For the purpose of operation under this part, and unless exempted from inspection by the provisions of this section, each required inspection certificate is hereby determined, pursuant to § 959.60(c), to be valid for a period of not to exceed 14 days following completion of inspection as shown on the certificate. The period of validity of an Inspection Certificate covering inspected and certified potatoes that are stored in refrigerated storage within 14 days of the inspection shall be the entire period such potatoes remain in such storage.

(g) *Definitions.* The terms "moderately skinned", "U.S. No. 1", "U.S. No. 2", and "Size B" shall have the same meaning as when used in the United States Standards for Potatoes (§§ 51.1540 to 51.1556 of this title), including the tolerances set forth therein. Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 114, as amended, and Order No. 59, as amended.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 8, 1959, to become effective July 13, 1959.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59-5759; Filed, July 10, 1959; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter II—Civil Aeronautics Board

SUBCHAPTER B—ECONOMIC REGULATIONS

[Reg. ER-276]

PART 235—REINVESTMENT OF GAINS DERIVED FROM THE SALE OR OTHER DISPOSITION OF FLIGHT EQUIPMENT

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 24th day of June 1959.

A Notice of Proposed Rule Making was published in the FEDERAL REGISTER on September 5, 1958 (23 F.R. 6837), and circulated to the industry as Draft Release No. 98, dated September 2, 1958, which proposed the adoption of a new Part 235 of the Board's Economic Regulations. Upon consideration of all relevant matter presented in the written comments submitted, the Board has decided to adopt Part 235 in the form set forth below.

Section 406(b) of the Civil Aeronautics Act of 1938, as amended by Public Law 85–373, approved April 9, 1958, exempted flight equipment capital gains from offset against subsidy when such gains are reinvested in other flight equipment, in accordance with Board regulations. This provision now is found in section 406(d) of the Federal Aviation Act of 1958. In order to obtain the benefits of this provision, an air carrier is required to notify the Board that it has invested or intends to invest the net gains and to submit evidence that an amount equal to the net gain has been expended for the purchase of flight equipment, or has been deposited in a special re-equipment fund for reinvestment in flight equipment. This regulation sets forth the form of notice and type of evidence to be submitted to the Board, as well as the period within which the reinvestment must occur.

To avail itself of this statutory exemption, an air carrier must make a prompt determination of the use which is to be made of flight equipment capital gains. The carrier has the choice of applying all or any part of the gain to the purchase of flight equipment (including retirement of debt incurred therefor) or of depositing such amounts in a special re-equipment fund. One of these actions must be taken not later than 60 days after the date of the sale or other disposition of flight equipment and before the carrier files with the Board the required notice that it has invested or intends to reinvest the gains. In most cases the date of the sale or other disposition will be the date of transfer of title or, if an involuntary disposition, the date of settlement with an insurer. In any event, a broad definition as used in the regulation is required in view of the various procedures which may be involved in a disposition.

The Board sees no justification for the suggested elimination or modification of the 60-day time limit on the application on segregation of gains. A time limit is essential in view of the statutory requirement that gains be segregated and held solely for reinvestment in flight equipment. The fact that the 60 days is geared to the date of the sale or other disposition rather than to the receipt of the funds is not expected to work a hardship. Where the entire purchase price is not immediately received in cash, compliance may be achieved by depositing a purchaser's note in the fund within the 60-day period.

Under this regulation a "gain" will include any value which is realized from the sale or other disposition of flight equipment, whether it be cash, an obligation issued by a purchaser, an insurance recovery, or any other form of value. In computing the gain, it will be to a carrier's advantage to deduct all legitimate expenses where it is on a closed subsidy rate and where there is a question as to whether it will be able to reinvest all the gains in accordance with the regulation. In the typical case, however, a carrier might well have an incentive to minimize the expenses which it reports as related to capital gains and to include such expenses as part of its operating costs for rate purposes. Thus, a suggestion that specific categories of expenses appearing in the definition of "applicable expenses" be omitted from the regulation on the theory that such an item necessarily would be considered by a carrier is being rejected. In computing the cost of units sold or disposed of, the carrier may properly include the cost of capital improvements.

Losses may be offset against gains only where such gains and losses occur in the same transaction. It was suggested that separate sales of components be excluded from the definition of "flight equipment" on the ground that Congress intended the statute to apply only to gains and losses realized upon the sale of complete aircraft. Under this theory, gains from the sale of separate components could be offset against subsidy requirements, even though they may have been invested in replacement equipment, and losses from such sales could be underwritten with mail pay. We conclude that there is no warrant, either in the statutory language or in the legislative history of Public Law 85–373, for such a restrictive definition of the term "flight equipment" and that components of flight equipment separately sold come within the scope of the statute.

In this connection reference is made to our opinion on reconsideration in the Capital Gains Proceeding (Order No. E–14104) in which we conclude that, for purposes of adjusting final future mail rates and where section 406(d) is not applicable, we will consider only gains arising from transactions involving sales or dispositions of aircraft or engines. Thus, in the case of future mail rates, gains realized from the sale of separate components are offset only when such sales are part of a transaction involving the disposition of complete aircraft or engines. However, in fixing past period mail rates, the Board will continue to consider all gains realized on the sale of flight equipment, including components sold separately (except, of course, gains exempted under section 406(d)). Accordingly, the definition of flight equipment for purposes of reporting under this part includes components sold separately, whereas the definition of flight equipment contained in Order No. E–14104 does not.

Under this part, carriers realizing gains from the sale of separate components are not required to maintain records or make reports with respect to such sales unless they wish to claim the benefits of section 406(d). Reporting of such transactions would thus not be necessary when the gains are realized during the pendency of a final future rate. On the other hand, if such gains are realized while the carrier is on an open rate, it should report such gains under this part if it desires them to be exempt from offset against past period subsidy.

Since, for the purpose of this regulation, it will be sufficient if a carrier invests an "amount equal to the gain" rather than the gain itself, a tracing of the gains into new equipment will not be necessary. Where the gains are deposited in a re-equipment fund, the proof would be the same as in the case of a

direct expenditure, i.e., that the carrier show that an "amount equal to the gain" has been deposited in a special re-equipment fund. However, this fund must be segregated and held for the sole purpose of investment in flight equipment. Use of the fund for other purposes, whether directly or by pledging the fund as security for loans, would result in disqualifying the gain for the special treatment provided by section 406(d).

A "deposit" connotes a physically identifiable asset such as a bank account or negotiable securities, not a mere memorandum entry on the carrier's books. On the other hand, it may take the form of a purchaser's note or of proceeds deposited with a mortgagee or trustee pursuant to a credit agreement. But, regardless of the form it takes, the re-equipment fund which is established must itself be capable of actual identification, and the amounts deposited must be equal to the subsequent expenditures for equipment or for the retirement of a debt. Once reinvestment has taken place, an equivalent amount may be returned to the unappropriated retained earnings account.

In response to industry comments, the provisions governing the reinvestment or deposit of gains make it clear that the regulation is applicable to transactions occurring between April 6, 1956, and the effective date of the regulation, that part payments will qualify, and that no ceiling exists on the amount of a deposit. Also, a definition of "investment in flight equipment" has been added to make clear that investment may consist also of capital improvements to aircraft.

Gains which are deposited in a re-equipment fund will have to be reinvested in accordance with this part within two years after the date of the transaction which yielded the gain. An extension of this time limitation may be granted by the Board where good cause is shown by the air carrier. The Board sees no need for extending the period within which deposited funds must be invested to "5 years after the receipt of cash proceeds." If aircraft is retired after newly acquired aircraft is put into service, a gain may be applied against retirement of debt incurred in connection with earlier acquisitions, and notes received from a purchaser may represent a segregated fund. A carrier's ability to apply gains within this period is also enhanced by the fact that in the typical case gains will probably be small in relation to the total purchase price of replacement equipment. Under the circumstances, a two-year period is a reasonable time limit.

In its Notice of Proposed Rule-making, the Board interpreted Public Law 85-373 as not permitting an outright purchase of equipment prior to an equipment retirement to be used as a basis for exempting the subsequent gain from offset. On the other hand, the exemption would apply where a gain is applied to the amortization of a debt incurred prior to the realization of the gain since the statute specifically permits applications of gains in retirement of debt contracted for this purchase or contsruction of flight equipment. In this context, debt would not be considered as retired where there is merely a substitution of a new debt for an old debt in order to free the gain for other uses. However, a carrier would be permitted to make an immediate application of gains to the actual retirement of a debt without going through the formality of establishing a re-equipment fund.

Certain comments have challenged the above interpretation as being unduly restrictive and illogical in view of the ordinary course of airline finance which frequently requires the purchase and delivery of new aircraft before existing aircraft can be withdrawn from service and sold. When an air carrier has acquired flight equipment prior to the disposition of other flight equipment which results in a gain, these carriers feel the gain should be eligible for the benefit of section 406(d), whether or not any debt was contracted in connection with the acquisition and is still outstanding at the time of the disposition of the other flight equipment. The Board recognizes that in many instances gains will not be realized until after replacement equipment is delivered and, consequently, such gains would not come within the terms of section 406(d) except to the extent that they are applied against retirement of debt contracted to purchase the replacement equipment. However, a practical problem is not likely to arise since generally the purchases of new equipment by subsidized air carriers will be debt-financed at least in part, thus providing ample opportunity for using the proceeds from subsequent sales for retiring such debt. The Board believes, therefore, that its construction of the statute as contemplating retirement of debt as the regular vehicle for investing gains in previously acquired flight equipment will not work any hardship. On the merits, the Board remains of the view that anticipatory investments cannot generally form the basis of exemption of capital gains from offset against "need." Whether, under unusual circumstances not now before us, gains could ever be retroactively applied is a question which need not be decided at this time.

As originally proposed, this regulation would have required an air carrier to furnish a surety bond in an amount equal to the gain deposited in a re-equipment fund to cover the amount of subsidy which would be refundable by the carrier if the gain is not reinvested in accordance with the regulation. However, upon consideration of the comments filed by various air carriers regarding the necessity for and the expense involved in this provision, the Board has concluded that this requirement should be eliminated.

The Draft Release provided that where a carrier exchanges flight equipment for like equipment or applies retirement gains to the purchase of like equipment, the transaction will be regarded as a substitution of assets, rather than a "sale or other disposition," as that term is used in section 406 (d). Under this provision, no gain would be considered as realized and the replacement equipment would be put on the carrier's books at the same book value as the retired equipment. Various carriers contend that section 406(d) is applicable to such transactions, arguing that the statute makes no distinction based upon the type of flight equipment which is acquired by the carrier. If the carriers' position were adopted, the substituted equipment would be set up on the carriers' books at its purchase price (in the case of sale and purchase of like equipment), or fair market value (in the case of exchange of like equipment). Thus, where the retired equipment had been depreciated on the books, the typical effect of the carriers' proposal would be to increase the amounts recorded in the flight equipment account.

Insofar as exchanges of flight equipment for other equipment of the same type are concerned, we remain of the view that the sound practice under the statute, as well as for accounting purposes, is to treat the transaction as a substitution of assets with no gain or loss occurring where the exchange does not involve an additional payment of cash or other consideration.[1] On the other hand, we agree with the carriers that the application of gains realized from the sale of equipment to one party to the purchase of equipment of the same type from another party falls within section 406(d), and that the gains that are reinvested in the replacement equipment should be recognized in the investment base for rate purposes. Accordingly, we have deleted that portion of the provision in question to the extent that it would deprive an air carrier of the benefit of the statute where the retirement gains are applied to the purchase of like equipment. The carriers are cautioned, however, that equipment acquired to replace like equipment may be subject to disallowance in rate cases if the Board finds the purchase to have been the product of uneconomical or inefficient management or otherwise not consistent with the provisions of section 406(b). This is a matter which must be left to individual proceedings under section 406.

The proposed regulation defined "sale or other disposition" as including "an insured loss upon settlement of which the air carrier has the option to select between replacement in kind and cash or its equivalent." It was the intention of this provision that where an insurance company elects at its option to replace a loss in kind rather than in cash, no sale or other disposition would be involved, no gain or loss would be realized, and the replacement aircraft would be treated as a substitution of the retired aircraft, taking the book value of the retired aircraft. The carriers contended that since Congress made no distinction regarding insurance losses, the statute requires that all involuntary conversions

[1] We do not at this time find it necessary to determine the treatment of exchanges of like equipment involving additional payments of cash or other consideration. This issue, which may involve questions of fact as well as law, is reserved for determination when it arises in an actual case. Carriers claiming that all or a portion of cash or other consideration received represents a gain under the statute should file their reports on that basis.

should be considered as "other dispositions" of flight equipment and that the gains arising therefrom are protected by the terms of the statutes. The carriers' arguments cannot be accepted. It is to be noted that, as in the case of exchanges of like equipment, discussed above, our proposal to treat replacements in kind as substitutions of assets would not result in any refund of capital gains to the Board, since no gain would be considered as realized. On the other hand, if the carriers' view were adopted it would be necessary to assign a new value to the replacement equipment which in most cases would be higher than the book value of the retired equipment. We do not read the statute as contemplating the inflation of book values in this manner and we remain of the view that a replacement in kind by an insurer, at the latter's option, does not give rise to a gain under section 406(d).

As previously noted, the Draft Release would permit the carriers to carry on their books replacement aircraft, purchased with insurance proceeds, at the cost of such replacement aircraft, where the insurance company did not exercise an option to replace in kind. While this has been the general treatment in past mail rate cases, the Board is not at this time certain that Congress intended that such transactions be entitled to the special treatment afforded by section 406 (d). We do not now pass on this question. Accordingly, we have revised the provision respecting the reinvestment of insurance proceeds (see § 235.1(e)), and, by doing so, it is our intention to leave this question open pending our determination of the issue in an appropriate proceeding.[2]

Contemporaneously with the adoption of this regulation, the Board is promulgating amendments to Part 241 providing for the filing of schedules relating to the sale or other disposition of flight equipment and to the later acquisition of flight equipment or retirement of debt.

Interested persons have been afforded an opportunity to participate in the formulation of this part of the Economic Regulations, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends the Economic Regulation (14 CFR Ch. II) effective August 10, 1959 by adding a new Part 235 to read as follows:

Sec.
235.1 Definitions.
235.2 Eligibility for benefits of section 406(d).
235.3 Reinvestment of gains.
235.4 Notice to Board.
235.5 Re-equipment fund.

AUTHORITY: §§ 235.1 to 235.5 issued under sec. 204(a); 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply sec. 406(d), 72 Stat. 764; 49 U.S.C. 1376.

[2] As in the case of cash received with exchanges of like aircraft, carriers claiming that section 406(d) is applicable to the application of insurance proceeds to the purchase of equipment of the same type as that retired, should report on that basis pending the Board's determination of this question.

§ 235.1 Definitions.

For the purpose of this part:

(a) "Applicable expenses" means all direct and indirect expenses attributable to the offering, preparation or presentation of the flight equipment for sale or delivery, including but not limited to:

(1) Advertising expense;

(2) Broker's and saleman's expense and commissions;

(3) Packaging expense and other costs incident to preparation for shipment;

(4) Reconditioning, refurnishing, painting and other similar expenses;

(5) Transportation and shipping expenses;

(6) Overhaul expense;

(7) Legal fees and other administrative expenses.

(b) "Applicable taxes" means all federal, state, territorial and foreign taxes paid by or refunded to the carrier with respect to each gain or loss upon retirement of flight equipment, including capital gains taxes, deductions for capital losses, transfer taxes and documentary taxes.

(c) "Date of sale or other disposition" means the date on which the transfer or disposition of the flight equipment is final and complete and nothing remains to be done by the air carrier selling or disposing of the flight equipment to entitle it to payment of the consideration or value, regardless of the period over which actual payments are to be made.

(d) "Flight equipment" means airframes, aircraft engines, aircraft propellers, aircraft communications and navigational equipment, miscellaneous flight equipment, improvements to leased flight equipment and flight equipment rotable parts and assemblies, within the meaning of Part 241 (Accounts 1601 through 1608 and 1701 through 1708) of this subchapter.

(e) "Gain" means the amount by which the total proceeds (less applicable expenses and taxes) realized from the sale or other disposition of one or more units of flight equipment in a single transaction exceeds the total depreciated cost of the units of flight equipment sold or disposed of in that transaction: *Provided, however,* That no gain shall be considered as realized in the case of an exchange of like equipment or in the case of a recovery from the carrier's insurer on account of the loss or destruction of an aircraft, where the insurer exercises an option under the insurance policy to replace such aircraft in kind.

(f) "Investment in flight equipment" means the acquisition of flight equipment in any manner including purchase, exchange, construction, additions and improvements to flight equipment, or payment on account thereof.

(g) "Re-equipment fund" means cash or its equivalent and other liquid assets such as an obligation of the purchaser, a special bank deposit or investment in securities, segregated from the general assets of the air carrier and held for the exclusive purposes of purchasing or constructing flight equipment or retiring debt contracted for the purchase or construction of flight equipment.

(h) "Sale or other disposition" means the retirement of flight equipment by any means, including sale, exchange, abandonment, demolition, or other disposal of flight equipment.

§ 235.2 Eligibility for benefits of section 406(d).

Air carriers seeking to obtain the benefits of section 406(d) of the Federal Aviation Act of 1958 with respect to all or part of any gain derived from the sale or other disposition of flight equipment, shall comply with the statutory requirements in the manner provided in this part.

§ 235.3 Reinvestment of gains.

The gain from the sale or other disposition of flight equipment shall be applied to investment in flight equipment or to the retirement of debt contracted for investment in flight equipment, or shall be deposited for such purposes in a re-equipment fund not later than 60 days after the date of such sale or other disposition and before the date on which the air carrier files the schedules required by § 235.4. The gain may not be invested in flight equipment delivered to the carrier prior to April 6, 1956. A gain realized prior to the adoption of this part shall be applied or deposited in the manner described herein not later than 60 days after the adoption of the part.

§ 235.4 Notice to Board.

Form 41 Schedule B–8(a) shall be filed by the air carrier, in triplicate, with the Board not later than 60 days after the date of the sale or other disposition of flight equipment from which the air carrier derived a gain. Form 41 Schedule B–7(a) shall also be filed, in triplicate, within the same period if the carrier has applied the gain for investment in flight equipment or to the retirement of debt contracted for investment in flight equipment. If the date of the sale or other disposition was on or after April 6, 1956, but prior to the date of the adoption of this part, the appropriate schedule(s) shall be filed not later than 60 days after the adoption of this part.

§ 235.5 Re-equipment fund.

(a) Any gains deposited in a re-equipment fund shall be applied to investment in flight equipment, or to the retirement of debt contracted for investment in flight equipment, not later than two years after the date of the sale or other disposition of flight equipment from which the air carrier derived the gain, unless the Board, for good cause shown, grants an extension of such time limitation. Gain invested in flight equipment delivered to the carrier prior to April 6, 1956, is not eligible for the benefits of section 406(d).

(b) Not later than 10 days after any change in the assets making up the re-equipment fund, the air carrier shall report such change in an amended Schedule B–8(a). Not later than 60 days after the application of the gain deposited in a re-equipment fund, the air carrier shall file Form 41 Schedule B–7(a).

NOTE: The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[F.R. Doc. 59-5753; Filed, July 10, 1959; 8:47 a.m.]

[Reg. ER-277]

PART 241—UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

Reporting of Capital Gains Reinvested

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 24th day of June 1959.

Contemporaneously herewith, the Board is promulgating a new Part 235 of the Economic Regulations which sets forth the circumstances under which air carriers may avail themselves of the benefits of section 406(d) of the Federal Aviation Act of 1958. In its notice of proposed rule-making (23 F.R. 6837) the Board indicated that air carriers would be required to notify the Board of the details of the capital gain and of the use to which such gain is put by filing proposed new Form 41 Schedules B-7(a) and B-8(a) in accordance with Part 241. The Board has considered the carriers' suggestion that the present Schedules B-7 and B-8 be used for reporting this information, and concludes that the present forms would not readily accommodate the needed information. Accordingly, this amendment to Part 241 is being adopted to include the two proposed schedules in the list of Schedules in § 241.22.

Schedule B-8(a) is to be used for detailing information with respect to the transaction involving the disposition of flight equipment. This schedule should identify the items of flight equipment involved in a gain and the other parties to the transaction, state the date of the sale or other disposition, the depreciated cost of each such item, and the value received therefor, the applicable expenses, taxes and the net gain. Unless the gain is already reinvested in flight equipment this schedule also should describe the re-equipment fund. Gains which are placed in the re-equipment fund are not to be classified as current assets. Within ten days after any change in the assets making up the re-equipment fund the carrier would have to report the change in an amended Schedule B-8(a). A transfer to unappropriated retained earnings account of an amount equivalent to the amount invested is provided for in the instructions accompanying this Schedule.

Schedule B-7(a) is fileable, in addition to Schedule B-8(a), where the gain has been applied either through acquisition of flight equipment or retirement of an existing debt (incurred in the purchase or construction of flight equipment). Schedule B-7(a) must describe the equipment purchased or the debt liquidated, give the names of the parties to the transaction, the date of the application of the gain, the method and terms of payment, and the cost of each item of equipment. The carrier may establish the purpose of debt from its internal records as well as from the term of the loan itself.

Schedule B-8(a) shall be filed by the air carrier not later than 60 days after the date of the sale or other disposition of flight equipment from which the air carrier derived gain. Schedule B-7(a) shall be filed within the same period as Schedule B-8(a), or if applicable not later than 60 days after the expenditure of amounts which were deposited in a re-equipment fund.

Apart from the foregoing, it is not the intention of this amendment to make any substantive changes in present Part 241.

Interested persons have been afforded an opportunity to participate in the making of this rule, and due consideration has been given to all relevant matters presented.

In consideration of the foregoing, the Board hereby amends Part 241 of the Economic Regulations, effective August 10, 1959, as follows:

1. By amending the list of schedules in § 241.22 of Part 241 by adding the following schedules and footnote:

Schedule No.	Title	Frequency	Postmark interval
B-7(a)..	Reinvestment of Flight Equipment Capital Gains.	(1)	(1)
B-8(a)..	Flight Equipment Capital Gains Invested or Deposited for Reinvestment in Flight Equipment.	(1)	(1)

[1] In accordance with the provisions of §§ 235.4 and 235.5 of Part 235 of this subchapter.

2. By amending § 241.23 of Part 241 by adding the following instructions:

SCHEDULE B-7(a)—REINVESTMENT OF FLIGHT EQUIPMENT CAPITAL GAINS [1]

(a) This schedule shall be filed by each carrier which desires to establish that it is entitled to the benefit of section 406(d) of the Act and which has filed Schedule B-8(a) notifying the Board that it has reinvested the capital gains reported thereon in flight equipment and/or used the capital gains in retirement of debt contracted for the purchase or construction of flight equipment.

(b) Column 1, "Description of Flight Equipment Acquired and Debt Retired" shall identify the specific items of flight equipment acquired, the applicable account number, and the particular issue of debt being retired including a description of the flight equipment for which such debt was contracted, the type of obligation, date of maturity, interest rate, commitment fees, and, if applicable, name of creditor.

(c) Column 2, "Date of Application of Gain" shall include the day, month and year on which the gain was applied to each item of flight equipment or to liquidation of debt.

(d) Column 3, "Cost" shall include the total amount of cash or its equivalent actually paid to acquire each item of equipment or to liquidate debt incurred in the purchase or construction of flight equipment.

(e) Column 5, "Source of Gains" shall identify the gain, reported on Schedule B-8(a), which has been reinvested.

[1] Form filed as part of original document.

SCHEDULE B-8(a)—FLIGHT EQUIPMENT CAPITAL GAINS INVESTED OR DEPOSITED FOR REINVESTMENT IN FLIGHT EQUIPMENT [1]

(a) This schedule shall be filed by each carrier which desires to establish that it is entitled to the benefits of section 406(d) of the Act and which has reinvested or intends to reinvest gains derived from the sale or other disposition of flight equipment pursuant to Part 235 of this subchapter.

(b) Column 1, "Description of Flight Equipment Retired" shall identify the various items of flight equipment retired including the applicable account number.

(c) Column 2, "Date of Sale or Other Disposition" shall include the day, the month and the year on which each item was sold or otherwise disposed of within the meaning of § 235.1(b) of Part 235.

(d) Column 8, "Net Amount of Gain" shall reflect the net of column 5 minus columns 6 and 7; an entry shall be made transferring an amount equal to the amount in column 8 from "Account 2940 Unappropriated Retained Earnings" to "Account 2930 Other Appropriations of Retained Earnings." If an initial measurement of gain is subject to adjustment to reflect losses which result upon collection of installment sales or in converting proceeds to cash, the adjustment should be reported at the time the loss is determined. Upon the investment of gains in flight equipment, an equivalent amount may be returned to "Account 2940 Unappropriated Retained Earnings."

(e) Column 9, "Disposition" shall reflect the name of the person or organization to which the flight equipment is sold or a notation as to the nature of the disposition if not sold.

(f) Columns 10 and 11 shall reflect the date and amount of each gain deposited in a re-equipment fund for reinvestment in flight equipment. Such deposits shall be recorded in "Account 1550 Special Funds—Other."

(g) Column 12 shall identify the assets in the fund and shall indicate the location of the fund if not in immediate physical possession of the air carrier.

NOTE: The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1952.

(Sec. 204(a), 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply sec. 406(d), 72 Stat. 764; 49 U.S.C. 1376)

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[F.R. Doc. 59-5754; Filed, July 10, 1959; 8:47 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7416 c.o.]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

Mr. Adolf et al.

Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Fur Products Labeling Act. Subpart—*Misbranding or mislabeling:* § 13.1212 *Formal regulatory and statutory requirements:* Fur Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act:

§ 13.1880 *Old; used, reclaimed, or reused as unused or new:* Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Adolf Reizfeld et al. t/a Mr. Adolf, New Haven, Conn., Docket 7416, June 13, 1959]

In the Matter of Adolf Reizfeld and Esther Reizfeld, Individually and as Copartners Trading as Mr. Adolf

This proceeding was heard by a hearing examiner on the complaint of the Commission charging furriers in New Haven, Conn. with violating the Fur Products Labeling Act by failing to comply with the labeling and invoicing requirements.

After acceptance of an agreement containing a consent order, the hearing examiner made his initial decision and order to cease and desist which became on June 13 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That Adolf Reizfeld and Estar Reizfeld, individually and as copartners trading as Mr. Adolf, or under any other name, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, offering for sale, transportation or distribution in commerce, of fur products, or in connection with the sale, manufacture for sale, offering for sale, transportation or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding fur products by:

A. Failing to affix labels to fur products showing:

(1) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(2) That the fur product contains or is composed of used fur, when such is the fact;

(3) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is the fact;

(4) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;

(5) The name, or other identification issued and registered by the Commission, of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised or offered it for sale in commerce, or transported or distributed it in commerce;

(6) The name of the country of origin of any imported furs contained in a fur product;

2. Falsely or deceptively invoicing fur products by:

A. Failing to furnish invoices to purchasers of fur products showing:

(1) The name or names of the animal or animals producing the fur or furs contained in the fur products as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(2) That the fur product contains or is composed of used fur, when such is the fact;

(3) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is the fact;

(4) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;

(5) The name and address of the person issuing such invoice;

(6) The name of the country of origin of any imported furs contained in a fur product;

(7) The item number or mark assigned to a fur product;

B. Setting forth on invoices pertaining to fur products the name or names of any animal or animals in addition to the name or names provided for in section 5(b)(1) of the Fur Products Labeling Act;

C. Setting forth information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form;

D. Failing to set forth the information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations thereunder with respect to "new fur" or "used fur" added to fur products that have been repaired, restyled or remodeled.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents Adolf Reizfeld and Estar Reizfeld (cited in the complaint as Esther Reizfeld), individually and as copartners trading as Mr. Adolf, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 1, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 59-5741; Filed, July 10, 1959; 8:46 a.m.]

[Docket 7296 c.o.]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

Temple Co., Inc., et al.

Subpart—*Advertising falsely or misleadingly:* § 13.155. *Prices:* Exaggerated as regular and customary; retail as cost, etc., or discounted. Subpart—*Misrepresenting oneself and goods*—Prices: § 13.1805 *Exaggerated as regular and customary;* § 13.1810 *Fictitious marking.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Temple Company, Inc., et al., Philadelphia, Pa., Docket 7296, June 13, 1959]

In the Matter of Temple Company, Inc., a Corporation, and Samuel Cohen, Lewis Kitei, Robert X. Pincus, and Irwin Fisher, Individually and as Officers of the Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging mail order merchandisers in Philadelphia, Pa., with using fictitious prices in connection with certain of their products by offering mink furs at prices purportedly reduced from excessive amounts represented in catalogs and periodicals to be the usual retail prices, and by claiming falsely that a supplier was a manufacturer and wholesaler from whom their customers could buy furs at wholesale prices.

After acceptance of an agreement containing a consent order, the hearing examiner made his initial decision and order to cease and desist which became on June 13 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Samuel Cohen, Lewis Kitei, Robert X. Pincus, and Irwin Fisher, individuals, and their agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of fur coats, or any other merchandise, in commerce as "commerce" is defined in the Federal Trade Comission Act, do forthwith cease and desist from:

1. Representing in any manner that certain amounts are the regular and usual retail prices of fur coats, or other merchandise, when such amounts are in excess of the prices at which said merchandise in regularly and usually sold at retail, or representing that certain amounts are the regular or usual retail prices of fur coats, or other merchandise, when such amounts are in excess of the established retail market prices of said fur coats, or other merchandise.

2. Representing in any manner that any of respondents' mail order suppliers are wholesalers, or manufacturers, when such is not the fact.

It is further ordered, That the complaint herein insofar as it relates to respondent Temple Company, Inc., a corporation, be and the same hereby is dismissed.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents Samuel Cohen, Lewis Kitei, Robert X. Pincus, and Irwin Fisher, individually and as former officers of respondent Temple Company, Inc., shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the

manner and form in which they have complied with the order to cease and desist.

Issued: June 1, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 59-5742; Filed, July 10, 1959; 8:46 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

SUBCHAPTER A—BUREAU OF ACCOUNTS

PART 270—AVAILABILITY OF RECORDS

Fees for Copying, Certifying and Search of Records by the Bureau of Accounts

Paragraph (b), § 270.3, Part 270, Subchapter A, Chapter II, Title 31 of the Code of Federal Regulations of the United States of America, is hereby revised to read as follows:

(b) For furnishing special fiscal data that have not been published at the time of request, $4.00 per hour, with a minimum charge of $2.00. This item will be applicable primarily to special repetitive reports requested at frequent intervals by publishers and compilers of economic data. Where individuals make occasional requests for published data or for unpublished data where the cost of compilation is not significant, no charge will be made.

Notice of the proposed issuance of the foregoing revision was published in the FEDERAL REGISTER on March 24, 1959 (24 F.R. 2277), pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238, 5 U.S.C. 1003).

The revision shall become effective upon the expiration of thirty days after the date of its publication in the FEDERAL REGISTER.

(R.S. 161, 5 U.S.C. 22; 65 Stat. 290, 5 U.S.C. 140)

[SEAL] JULIAN B. BAIRD, *Acting Secretary of the Treasury.*

JULY 7, 1959.

[F.R. Doc. 59-5750; Filed, July 10, 1959; 8:47 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER C—AIDS TO NAVIGATION

[CGFR 58-50]

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

The purpose of the following amendments to the regulations is to:

(a) Elaborate upon existing requirements and to clarify ambiguities found to exist;

(b) Define with greater particularity the procedures to be followed;

(c) Clarify the charges to be made in performing aids to navigation work for other agencies;

(d) Amend the regulations governing inspection of private aids to navigation; and

(e) Revise the regulations relative to the marking of structures in and over navigable waters to bring them in conformance with Public Law 550, 84th Congress, 2d session, approved June 4, 1956, which amended 14 U.S.C. 85. This law clarifies and consolidates the authority to require the establishment, maintenance, and operation of aids to maritime navigation on fixed structures including dams, in or over navigable waters of the United States.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 167-3 dated May 6, 1953 (18 F.R. 2962), 167-15 dated January 3, 1955 (20 F.R. 840), 167-17 dated June 29, 1955 (20 F.R. 4976), and 167-23 dated July 27, 1956 (21 F.R. 5852), to promulgate regulations in accordance with the statutes cited with the regulations below, the following amendments to the regulations are prescribed which shall become effective upon the date of publication of this document in the FEDERAL REGISTER.

PART 60—GENERAL

Subpart 60.01—General Provisions

1. The authority for this part is amended to read as follows:

(Sec. 92, 63 Stat. 503 as amended; 14 U.S.C. 92. Interpret or apply secs. 81, 86, 633, 63 Stat. 500 as amended, 501, 545, sec. 4, 67 Stat. 462; 14 U.S.C. 81, 86, 633, 43 U.S.C. 1333)

2. Section 60.01-1 is amended to read as follows:

§ 60.01-1 Purpose.

(a) The aids to navigation system of the United States is for the purpose of aiding navigation. That part of the system administered by the Coast Guard is to serve the needs of the armed forces and the commerce of the United States. This subchapter contains the rules, regulations and procedures related thereto.

3. Section 60.01-5 is amended by revising paragraphs (a) and (c) to read as follows:

§ 60.01-5 Definition of terms.

(a) *Aid to navigation.* The term aid to navigation or aid, as used in this subchapter, means any device external to a vessel or aircraft intended to assist a navigator to determine his position or safe course, or to warn him of dangers or obstructions to navigation.

(c) *Commerce.* The term commerce as used in this subchapter, in addition to the general national and international trade and commerce of the United States, includes trade and travel by seasonal passenger craft (marine and air), yachts, houseboats, fishing boats, motor boats, and other craft whether or not operated for hire or profit.

PART 62—UNITED STATES AIDS TO NAVIGATION SYSTEM

Subpart 62.01—Establishment of Aids to Navigation

1. Section 62.01-1 is amended to read as follows:

§ 62.01-1 Maritime aids.

(a) The establishment, maintenance and operation of maritime aids to navigation, other than loran stations, to serve the needs of commerce of the United States may be authorized by the Commandant to mark the navigable waters of the United States, its territories and possessions, the Trust Territory of the Pacific Islands and those waters on which aids to navigation have been established by the Coast Guard prior to June 26, 1948.

(b) The establishment, maintenance and operation of loran stations to serve the needs of maritime commerce of the United States may be authorized by the Commandant. The establishment, maintenance and operation of loran stations to serve the needs of maritime and air commerce of the United States may be authorized by the Commandant providing the need for loran stations required to serve air commerce of the United States is determined by the Administrator of the Federal Aviation Agency.

(c) Any aid to navigation to be established, maintained and operated by the Coast Guard to serve the needs of commerce must be necessary for the safety of navigation, useful for commerce of a substantial and permanent character, and must be justified in terms of public benefit to be derived therefrom.

2. Section 62.01-5 is amended to read as follows:

§ 62.01-5 Aids for Armed Forces.

(a) Upon request of the military authority having jurisdiction of the area, the Coast Guard may establish, maintain and operate maritime aids to navigation, other than loran stations, in order to meet the needs of the Armed Forces.

(b) Upon request of the Secretary of the appropriate department within the Department of Defense, the Commandant may establish, maintain and operate loran and other aids to air navigation in order to meet the needs of the Armed Forces.

(c) Establishment, maintenance and operation of aids to navigation, other than loran stations, as covered in paragraphs (a) and (b) of this section shall be limited to the United States, its territories and possessions, the Trust Territory of the Pacific Islands, or beyond the territorial jurisdiction of the United States at places where naval or military bases are located, and at other places where aids to navigation have been established by the Coast Guard prior to June 26, 1948.

3. Section 62.01-10 is amended by changing the heading to read as follows and by amending paragraph (b) to read as follows:

§ 62.01–10 Federal Agencies other than the Armed Forces.

* * * * *

(b) Any aid to navigation which is for the primary benefit of a Federal Agency other than the Armed Forces may be established and maintained by the Coast Guard on a reimbursable basis. The charge for the original establishment in the case of permanent aids shall be based on the actual cost thereof. The charge for maintenance, including servicing time, shall be in accordance with Part 74 of this subchapter. In the case of temporary establishments, the charge for both establishment and maintenance shall be in accordance with Part 74 of this subchapter. In very minor cases charges may be waived by the Commandant to simplify administrative procedures.

4. Section 62.01–25 is amended to read as follows:

§ 62.01–25 Danger, restricted, and prohibited areas.

The Coast Guard will appropriately mark, if deemed necessary by the Coast Guard and at the request of the cognizant District Engineer, danger, restricted, and prohibited areas which have been so designated by the Secretary of the Army. Charges shall not be made by the Coast Guard for preparation, establishment, servicing, and maintenance of such marking.

Subpart 62.10—Recommendations and Requests

5. Section 62.10–1 is amended to read as follows:

§ 62.10–1 Maritime aids.

(a) Requests and recommendations pertaining to maritime aids to navigation, or reports of aids no longer needed should be mailed to the District Commander concerned, or to the Commandant, U.S. Coast Guard, Washington 25, D.C.

(b) Requests or recommendations for improvements should be supported with information on the following in order to justify the action proposed:

(1) Quantity, type, capacity and value of vessels involved, and the extent that these vessels traverse the area under consideration seasonally, by day, and by night.

(2) Where practicable, the type of navigating devices, such as compasses, radio direction finder, radar, loran, and searchlights, with which such vessels are equipped.

(3) The number of passengers; and type, quantity, and value of cargo involved.

(4) A chart section or sketch showing the action proposed when necessary to clearly describe the recommended improvement.

6. Section 62.10–5 is amended to read as follows:

§ 62.10–5 Armed Forces.

(a) Requests for the establishment of aids to air navigation or loran service should be addressed to the Secretary of the Treasury (see § 62.01–5(b)). Requests for the establishment of other aids to navigation should be addressed to the appropriate District Commander (see § 62.01–5(a)).

(b) Requests and recommendations concerning the operation of any aid to navigation maintained by the Coast Guard should be addressed to the appropriate District Commander.

(c) Requests and recommendations should be made as far in advance as possible of the time of actual need in order that required funds may be considered in preparing Coast Guard budget estimates. When such requests or recommendations require work not normally covered by or specifically included in Coast Guard appropriations the aids will be established and maintained by the Coast Guard as soon as funds are made available for the purpose. In every case, the requesting agency will be advised of the estimated date of establishment. In any case where the Coast Guard is unable, with its own funds, to establish aids to navigation as soon as the requesting agency may desire, earlier action by the Coast Guard will depend upon the Agency's ability to make the necessary funds available. Such work will be undertaken on a reimbursable basis. Reimbursement in connection therewith will be arrived at by the determinations made by the District Commander and approved by the Commandant. In minor cases, such as the temporary placement of an aid, preparation charges will be made in accordance with Part 74 of this subchapter when such work is clearly apart from routine operations.

(d) Charges are not made by the Coast Guard for the servicing and maintenance of aids to navigation established for the Armed Forces except in the case of wreck markings established at the request of the Corps of Engineers.

Subpart 62.15—Reporting Defects

7. Section 62.15–1 is amended to read as follows:

§ 62.15–1 Procedure.

Mariners are requested to notify immediately the nearest District Commander of any defects observed in an aid to navigation. Experienced mariners realize that the Coast Guard cannot keep the thousands of aids to navigation comprising the federal system under simultaneous and continuous observation and that, for this reason, it is impossible to maintain every buoy, daybeacon, light, fog signal and other aid operating properly and on its charted position at all times. Therefore, the safety of the mariner and that of all persons embarked or serving in vessels will be enhanced if every person who discovers an aid to be missing, sunk, capsized, or damaged, or who observes a defect in the position or characteristic of any aid, will promptly notify the Coast Guard of the fact. Radio messages should be prefixed "Coast Guard" and transmitted directly to one of the United States Government shore radio stations listed under "Communication" in Section 400B of Radio Navigational Aids HO–205 for relay to the District Commander. If the radio call sign of the nearest United States Government radio shore station is not known, radio-telegraph communication may be established by the use of the general call "NCG" on the frequency of 500 kilocycles. Merchant ships may send messages relating to defects noted in aids to navigation through commercial facilities only when they are unable to contact a United States shore radio station. Charges for these messages will be accepted "collect" by the Coast Guard.

Subpart 62.25—Buoys

8. Section 62.25–1(a) is amended to read as follows:

§ 62.25–1 General.

(a) The waters of the United States are marked to assist navigation by a lateral system of buoyage for use with charts. This system employs a simple arrangement of colors, shapes, numbers and light characteristics to show the side on which a buoy should be passed when proceeding in a given direction. The characteristics are determined by the position of the buoy with respect to the navigable channels as the channels are entered from seaward toward the head of navigation. As all channels do not lead from seaward, at times arbitrary assumptions must be made in order that the system may be consistently applied. The characteristics assigned to buoys are based on the assumption that proceeding in a southerly direction along the Atlantic Coast, in a northerly and westerly direction along the Gulf Coast, in a northerly direction on the Pacific Coast, and in a westerly and northerly direction on the Great Lakes (except Lake Michigan), and in a southerly direction on Lake Michigan, is proceeding from seaward.

9. The title of Subpart 62.35 is amended to read as follows:

Subpart 62.35—Maritime Radiobeacons

10. Section 62.35–1 is amended to read as follows:

§ 62.35–1 General.

Maritime radiobeacons operate during periods of fog or low visibility and in clear weather during specific intervals as published in Coast Guard Lists of Lights and Other Marine Aids. For station identification simple characteristics consisting of combinations of dots and dashes are used. Certain low-powered marine radiobeacons use combinations of high and low tone dashes to provide additional distinction in their characteristics. The characteristics of marker radiobeacons are composed of groups or series of dashes or by a continuous signal for part of a 30 second cycle which is followed by a silent period to complete the 30 second cycle. Maritime radiobeacons are divided into classes depending on their usable range. Class A radiobeacons give a reliable average range of 200 miles; Class B a maximum reliable range of 100 miles; Class C a maximum reliable range of 20 miles; and Class D a reliable average range of 10 miles. The transmitter power is adjusted to provide a usable

range which meets the operational requirement. All Coast Guard maritime radiobeacons operate within the frequency band 285–325 kilocycles.

(Sec. 92, 63 Stat. 502, as amended; 14 U.S.C. 92. Interpret or apply sec. 81, 87, 93, 633, 63 Stat. 500 as amended; 501, 503, 504, 545; 14 U.S.C. 81, 87, 93, 633)

PART 64—MARKING OF WRECKS

Subpart 64.15—Charges for Marking Wrecks

Section 64.15–1 is amended to read as follows:

§ 64.15–1 Charges invoiced to owner.

The cost of marking a sunken wreck and the subsequent removal of aids therefrom shall be borne by the owner of the wreck. Charges for the marking of a sunken wreck by the Coast Guard shall be determined according to Part 74 of this subchapter. Charges for the removal of any aids to navigation established by the Coast Guard shall be invoiced to the owner unless the District Engineer requests the continued marking of the sunken wreck in accordance with § 64.05–10.

(Sec. 92, 63 Stat. 503 as amended; 14 U.S.C. 92. Interpret or apply sec. 15, 30 Stat. 1152, sec. 86, 633, 63 Stat. 501, 545; 33 U.S.C. 409, 14 U.S.C. 86, 633)

PART 66—PRIVATE AIDS TO NAVIGATION

Subpart 66.01—General

1. Section 66.01–1(a) is amended to read as follows:

§ 66.01–1 Basic provisions.

(a) No person, public body, or instrumentality not under the control of the Commandant, exclusive of the Armed Forces, shall establish, erect or maintain in the navigable waters of the United States any aid to maritime navigation, without first obtaining permission to do so from the Commandant; nor shall any person, public body, or instrumentality change, move or discontinue any authorized private aid to navigation required by statute or regulation (Class I, § 66.01–15) without first obtaining permission to do so from the Commandant. Discontinuance of any authorized voluntary private aid (Classes II and III, § 66.01–15), not required by statute or regulation, may be effected by order of the Coast Guard in accordance with § 66.01–25 or by removal by the owner after 30 day period notice to the Commander of the District to whom the original request for authorization for establishment of the aid was submitted.

2. Section 66.01–20 is amended to read as follows:

§ 66.01–20 Inspection.

All classes of private aids to navigation shall be maintained in proper condition. They are subject to inspection by the Coast Guard at any time and without prior notice to the maintainer.

3. Section 66.01–35 is amended to read as follows:

§ 66.01–35 Marking of structures.

Any structure, including floating plants, moorings, mooring buoys, and dams in or over the navigable waters of the United States shall display the lights and other signals for the protection of maritime navigation as may be prescribed by the Commandant. Any owner, or operator of a structure excluding an agency of the United States, who violates any of the rules and regulations prescribed hereunder, commits a misdemeanor and shall be punished, upon conviction thereof, by a fine of not exceeding $100 for each day during which such violation continues. The prescribed lights and signals shall be installed, maintained, and operated by and at the expense of the owner, or operator, who shall after obtaining a Corps of Engineers' permit authorizing construction of the structure, apply to the District Commander having jurisdiction over the waters in which the work will be executed for determination of the lights and other signals to be displayed. This requirement includes the temporary lights and signals to be displayed during the construction of such structure. Regulations prescribing the lights or other signals required to mark any work or obstruction, may or may not be published. If no regulation exists, each case shall be considered individually by the District Commander, who will prescribe such lights and signals as he may consider necessary for the safety of navigation. The characteristics of lights and signals shall comply as nearly as possible to the United States lateral system described in Part 62 of this subchapter. Upon being advised of the lights and other signals required, the owner or operator shall promptly prepare and submit an application in accordance with § 66.01–5.

4. Section 66.01–45 is amended to read as follows:

§ 66.01–45 Penalty.

Any person, public body, or instrumentality, excluding the armed forces, who shall establish, erect, or maintain any aid to maritime navigation without first obtaining authority to do so from the Commandant in accordance with the regulations issued in this part is subject to a penalty as provided in 14 U.S.C. 83.

5. Part 66 is amended by adding a new section reading as follows:

§ 66.01–55 Transfer of ownership.

When private aids to navigation which have been authorized by the Commandant, or the essential real estate or facility with which the aids are associated has been sold or transferred, both parties to the transaction shall submit application (§ 66.01–5) to the Commander of the Coast Guard District in which the aids to navigation are located, requesting authority to transfer responsibility for maintenance of the aids. In the event the above procedure is not complied with, the transferor shall be required to remove the aid or aids without expense to the United States.

(Sec. 92, 63 Stat. 503, as amended; 14 U.S.C. 92. Interpret or apply secs. 83, 85, 633, 63 Stat. 500, 501, 545, sec. 4, 67 Stat. 462; 14 U.S.C. 83, 85, 633, 43 U.S.C. 1333)

PART 68—LIGHTING OF BRIDGES

Subpart 68.01—Basic Provisions

1. Section 68.01–1 is amended to read as follows:

§ 68.01–1 General requirements.

All persons owning, occupying or operating bridges over the navigable waters of the United States shall maintain at their own expense such lights and other signals required for safety of maritime navigation as may be prescribed by the Commandant, and on any international bridge constructed after March 23, 1906, such additional signals as may be prescribed by the Commandant.

2. Section 68.01–5 is amended to read as follows:

§ 68.01–5 Penalty for failure to maintain.

Any person required to maintain lights and other signals upon any bridge or abutment over or in the navigable waters of the United States who fails or refuses to maintain such lights and other signals, or to obey any of the lawful rules and regulations relating to the same is subject to a penalty as provided in 14 U.S.C. 85.

Subpart 68.05—Procedure

3. Section 68.05–1 is amended to read as follows:

§ 68.05–1 Obtaining information.

Persons desiring information concerning the marking of bridges shall address their inquiry to the District Commander having jurisdiction over the area concerned, or to the Commandant.

4. Section 68.05–10 is amended to read as follows:

§ 68.05–10 Action by Coast Guard.

(a) The District Commander receiving the application will review it and approve the lights and other signals proposed, or mark on the drawings, the lights and other signals required, and in the case of lights, cite the applicable section of this chapter which prescribes the lights required for the particular type bridge.

(b) Upon approval, one set of drawings will be returned to the applicant with the notation "navigational lights and/or other signals approved as shown", date, name and title of the District Commander.

Subpart 68.10—General Conditions

5. Section 68.10–5 is amended to read as follows:

§ 68.10–5 Lighting during bridge construction.

(a) While a bridge is under construction the District Commander having jurisdiction over the area in which the bridge is being built will prescribe the temporary lights and other signals to be displayed for the protection of navigation.

(b) When unusual conditions exist, the District Commander will confer with the District Engineer having jurisdiction over the construction work before prescribing the temporary lights and other

signals to be displayed during construction of the bridge.

(c) When the construction of a bridge is completed the permanent lights and other signals approved by the District Commander for the completed bridge shall be displayed.

6. Section 68.10–20 is amended by adding a new paragraph (c) reading as follows:

§ 68.10–20 Periods of operation.

* * * * *

(c) The operation of signals other than lights shall be as prescribed by the District Commander. Each case shall be considered individually.

7. Section 68.10–25 is amended to read as follows:

§ 68.10–25 Visibility of lights.

All lights required by the regulations in this part shall be securely attached to the structure and shall be of sufficient candlepower as to be visible against the background lighting at a distance of at least 2,000 yards 90 percent of the nights of the year. They shall be located as prescribed by the Commandant, with colors and arcs of visibility as specified.

Subpart 68.15—Marking Requirements

8. Section 68.15–10(c) is amended to read as follows:

§ 68.15–10 Lights on single-opening drawbridges.

* * * * *

(c) *Pier or abutment lights.* Every swing bridge shall be lighted so that the end of each pier, abutment or fixed portion of the bridge adjacent to the navigable channel through the draw, or each end of the protection piers for such piers, abutments, or fixed portion of the bridge will be marked by a red light. Each red light shall show through an arc of 180°, and shall be securely mounted on the pier, abutment or fixed portion of the bridge as low as practicable to show 90° on either side of a line parallel to the axis of the channel so as to be visible from an approaching vessel.

9. Section 68.15–15(a) and note are amended to read as follows:

§ 68.15–15 Lights on bascule bridges.

(a) *Lift span lights.* Each lift span of every bascule bridge shall be lighted so that the free end of the span will be marked on each side by a green light which shows only when the span is fully open for the passage of a vessel and by a red light which shows for all other positions of the lift span. Each red and each green light shall show through a horizontal arc of 180°. The lighting apparatus shall be securely mounted to the side of the span so that the light will show equally on either side of a line parallel to the axis of the channels, so that they will be visible from an approaching vessel.

NOTE: Until such time that major repairs to or replacement of lift span navigation lights are made, existing lights may show through a horizontal arc of less than 180°. When major repairs to or replacement of existing lights are made they shall conform with this paragraph.

(Sec. 4, 34 Stat. 85, as amended; sec. 92, 63 Stat. 503, as amended; 33 U.S.C. 494, 14 U.S.C. 92. Interpret or apply secs. 84, 85, 633, 63 Stat. 500, 545, as amended; 14 U.S.C. 84, 85, 633)

PART 70—INTERFERENCE WITH OR DAMAGE TO AIDS TO NAVIGATION

Subpart 70.05—Collision With or Damage to Aids to Navigation

Sections 70.05–25, 70.05–30, 70.05–32, 70.05–35, 70.05–40, 70.05–45, 70.05–50 and 70.05–55 are cancelled.

(Sec. 92, 63 Stat. 503, as amended; 14 U.S.C. 92. Interpret or apply secs. 86, 633, 642, 63 Stat. 501, 545, 547; 14 U.S.C. 86, 633, 642)

PART 72—MARINE INFORMATION

Subpart 72.01—Notices to Mariners

1. Section 72.01–25 is amended to read as follows:

§ 72.01–25 Marine broadcasts.

Marine broadcast notices to Mariners are made by the Coast Guard through Coast Guard or Naval radio stations to report deficiencies and changes in aids to navigation of importance. Radio stations broadcasting marine information are listed in "Radio Navigational Aids (HO–205)" published by the Hydrographic Office.

2. The title of Subpart 72.05 is amended to read as follows:

Subpart 72.05—Lists of Lights and Other Marine Aids

3. Section 72.05–1 is amended to read as follows:

§ 72.05–1 Purpose.

(a) The Coast Guard publishes annually the following four Lists of Lights and Other Marine Aids covering the waters of the United States, its territories and possessions:

(1) Atlantic and Gulf Coasts (Local Lists of Lights and Other Marine Aids are also published for each of the five Coast Guard districts on the Atlantic Coast).

(2) Mississippi River System.

(3) Great Lakes.

(4) Pacific Coast and Islands (Local Lists of Lights and Other Marine Aids are also published for each of the five Coast Guard districts on the Pacific Coast).

(b) These Lists of Lights and Other Marine Aids show the official name, location, characteristics and general description of all aids to navigation maintained by or under authority of the U.S. Coast Guard.

(Sec. 92, 63 Stat. 503, as amended; 14 U.S.C. 92. Interpret or apply sec. 93, 63 Stat. 504, as amended; 14 U.S.C. 93)

PART 74—CHARGES FOR COAST GUARD AIDS TO NAVIGATION WORK

1. The title of Part 74 is amended to read as set forth above.

2. Part 74 is amended to read as follows:

Subpart 74.01—Charges to the Public

Sec.

Subpart 74.05—Charges to Armed Forces—Other Than Corps of Engineers

Subpart 74.10—Charges to Corps of Engineers

Subpart 74.15—Charges to Federal Agencies

Subpart 74.20—Standard Charges

AUTHORITY: §§ 74.01–1 to 74.20–1 issued under sec. 92, 63 Stat. 503, as amended; 14 U.S.C. 92. Interpret or apply secs. 86, 633, 642, 63 Stat. 501, 545, 547; 14 U.S.C. 86, 633, 642.

Subpart 74.01—Charges to Public

§ 74.01–1 Claim for damage or destruction.

(a) When an aid to navigation, fixed or floating, is damaged and can be repaired, or is damaged to the extent that the cost of repair will exceed its value (and thereby it has become a constructive total loss), or is totally destroyed, claim shall be promptly made upon the party responsible for the damage or destruction for the full cost to the Government to make repairs to the aid, or for the cost to make replacement with an identical aid or replacement with a substitute aid acceptable to the Coast Guard, and for all other costs to the Government incident to and directly caused by reason of the damage or destruction. Claim for cost of replacement with an identical or substitute aid (as prescribed in this paragraph) shall be made whether or not the aid is actually replaced, and whether or not the new aid is established at the same or different location as that of the aid being replaced. No claim shall be made for damage to aids by instrumentalities of the Federal Government.

(b) Because of advancement in engineering practices, and fluctuation of capital plant values and maintenance expenses, it is impracticable to announce an inflexible standard applicable to all situations involving repair or replacement of aids to navigation. The policy of the Government respecting such claim is that it looks to the responsible interests to reimburse the Coast Guard for all expenses which flow from or are chargeable to repair or replacement of aids. The Coast Guard does not wish to gain any pecuniary profit from these incidents; nor does it intend to assume any financial losses therefrom.

§ 74.01–5 Computation of repair or replacement costs.

(a) The cost to make repairs shall be the cost of restoring the damaged aid to operating condition acceptable to the Coast Guard. This shall include the cost of all labor, material, and overhead involved whether furnished by private contract or by the Government.

(b) The cost to make replacement shall be actual, present day cost to reproduce an identical aid or an aid having similar general characteristics and permanence satisfactory to the Coast Guard.

(c) Expense incident to and directly caused by reason of the damage or destruction of an aid to navigation shall be included as part of the total claim against the responsible party, and shall include costs of the following items, whichever are applicable:

(1) Cost of placing a replacement aid in operation on station, whether as a permanent substitute or to serve as a temporary auxiliary aid for that which was damaged or destroyed. Such cost shall be determined in accordance with Subpart 74.20 of this part.

(2) Cost of removing a replacement aid which was placed in operation on station to serve as a temporary or auxiliary aid for that which was damaged or destroyed. Such cost shall be determined in accordance with Subpart 74.20 of this part.

(3) Cost of searching for, recovering and removing or attempting to recover and remove the damaged or destroyed aid or any of its component parts which may require recovery or removal. Such costs shall be determined in accordance with Subpart 74.20 of this part.

(4) Cost or value of time consumed by Government personnel (excluding ship's complement), including such services as inspection, supervision, etc., on projects where necessary to insure that the project is being completed in accordance with prepared plans and/or contract. These costs shall include:

(i) Actual travel expenses incurred and paid to personnel from public funds; and,

(ii) Actual payroll value of time of all personnel expended upon the project, including travel time during paid status.

(5) Cost of value of time consumed by Government vessel, including ship's complement, employed by reason of and directly attributed to the damage or destruction. In the performance of this work no charge shall be made for the time and expense of Coast Guard vessels, including ship's complement, when the aid can be or is repaired or restored on station by the vessel on routine scheduled duty where only minimum interruption of that assignment occurs. If such vessel time is charged, it will be charged in accordance with the type of damaged aid which must be serviced as set forth in Subpart 74.20 of this part.

(6) Where tender work other than servicing the specific type of aid indicated in Subpart 74.20 of this part is required in connection with damaged aids, vessel time shall be an hourly charge determined by dividing the latest fiscal year cost for operating the applicable class of vessel in the district by the number of hours the vessel was operationally employed for the fiscal year.

§ 74.01–10 Charges invoiced to owner for marking sunken wrecks.

(a) Charges for the establishment and maintenance by the Coast Guard of an aid or aids to mark a sunken wreck shall be determined in accordance with Subpart 74.20 of this part and invoiced to the owner. Charges for the removal of any aids to navigation established by the Coast Guard shall be invoiced to the owner unless the District Engineer requests the continued marking of the sunken wreck.

(b) Charges shall be made for the cost or value of time consumed by the Government vessel, including ship's complement, employed by reason of and directly attributed to the placing of the wreck marking. In the performance of this work no charge shall be made for the time and expense of Coast Guard vessels, including ship's complement, when the aid can be or is placed on station by the vessel on routine scheduled duty where only minimum interruption of that assignment occurs. If such vessel time is charged, it will be charged in accordance with the type of aid involved as set forth in Subpart 74.20 of this part.

(c) All charges so invoiced to the owner shall, upon collection, be deposited to miscellaneous receipts.

§ 74.01–15 Charges for placement of temporary aids.

Charges for placement of temporary aids will be reimbursable and in accordance with Subpart 74.20 of this part. Where the placement of temporary aids other than those specified is made, a reasonable equivalence will be determined, and charges made accordingly.

§ 74.01–20 Deposit of payment in special account.

Whenever an aid to navigation or other property belonging to the Coast Guard is damaged or destroyed by a private person, such person shall pay to the satisfaction of the Coast Guard the cost of repair or replacement of such property. The Coast Guard will accept and deposit such payment in a special account in the Treasury for payment therefrom of the cost of repairing or replacing the damaged property. Funds collected in excess of the cost to make repairs or replacements shall be refunded.

Subpart 74.05—Charges to Armed Forces—Other than Corps of Engineers

§ 74.05–1 Armed forces.

(a) Requests and recommendations for the establishment of aids requiring considerable expenditure of funds should be made in sufficient time to permit their incorporation in Coast Guard budget requests. When these requests or recommendations require work not normally covered by or specifically included in Coast Guard appropriations, the aids will be established and maintained as soon as the requesting agency makes funds available for the purpose on a reimbursable basis (31 U.S.C. 686). Such reimbursement will be based on determinations made by the District Commander and approved by the Commandant.

(b) In minor cases, such as the temporary placement of an aid, preparation charges will be made in accordance with Subpart 74.20 of this part when such work is clearly apart from routine operations. Charges shall not be made for vessel time nor for servicing in the case of the Armed Forces.

Subpart 74.10—Charges to Corps of Engineers

§ 74.10–1 Danger, restricted, and prohibited areas.

The Coast Guard will appropriately mark, if deemed necessary by the Coast Guard, and at the request of the cognizant District Engineer, danger, restricted and prohibited areas which have been so designated by the Secretary of the Army. Charges shall not be made by the Coast Guard for the preparation, establishment, servicing, and maintenance of such marking.

§ 74.10–5 Charges invoiced to U.S. Corps of Engineers.

Charges for the marking of sunken wrecks by the Coast Guard for the Department of the Army in accordance with § 64.05–10 shall be invoiced to the District Engineer. Charges, including charges for vessel time shall be determined in accordance with Subpart 74.20 of this part. Such work will be undertaken on a reimbursable basis (14 U.S.C. 86).

Subpart 74.15—Charges to Federal Agencies

§ 74.15–1 Federal agencies.

Any aid to navigation which is for the primary benefit of a Federal agency other than the Armed Forces may be established and maintained by the Coast Guard on a reimbursable basis (31 U.S.C. 686). The charge for the original establishment in the case of permanent aids shall be based on the actual cost thereof. The charge for maintenance, including servicing time, shall be in accordance with Subpart 74.20 of this part. In the case of temporary establishments the charge for both establishment and maintenance shall be in accordance with Subpart 74.20 of this part. In very minor cases charges may be waived by the Commandant to simplify administrative procedures.

Subpart 74.20—Standard Charges

§ 74.20–1 Table of charges.

Charges for authorized work performed under the provisions of this subchapter shall be the charge as determined from the table set forth below when performed by the Coast Guard, or the actual cost incurred by the Coast Guard when having such work performed on contract.

TABLE A—STANDARD CHARGES

Type of aid	Preparation of aid [1]	Service charge per month or major fraction thereof	Vessel time per hour
1. Lighted buoy for exposed station, with or without sound	$130	$87	$102
2. Bell, gong or whistle buoys, unlighted	52	27	102
3. Lighted buoy (8') for sheltered station, with or without sound	110	61	102
4. Lighted buoy (7' or less) for sheltered station, with or without sound	83	33	48
5. Can or nun buoys (1st and 2d class), except river type	17	14	48
6. Can or nun buoy (3d class), except river type	13	6	30
7. Wooden spar buoy, any class	15	12	48
8. River type buoy	8	4	30
9. Lighting apparatus (only)	55	25	30
10. Rebuilding minor structures on submarine sites such as piling, pile clusters, etc			28

[1] Includes preparation, adaptation, and placing of a replacement aid (exclusive of vessel time), and preparation, adaptation, placing, retrieving, and overhaul following retrieving of a temporary aid (exclusive of vessel time).

Dated: July 6, 1959.

[SEAL]

A. C. RICHMOND,
Vice Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 59-5747; Filed, July 10, 1959; 8:46 a.m.]

Chapter II—Corps of Engineers, Department of the Army

PART 205—DUMPING GROUNDS REGULATIONS

Pacific Ocean, Calif.

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 205.57 is hereby prescribed establishing and governing the use of prohibited dumping grounds in the Pacific Ocean in the approaches to Los Angeles—Long Beach Harbors, San Diego Harbor, and Port Hueneme Harbor, California, as follows:

§ 205.57 Pacific Ocean, approaches to Los Angeles-Long Beach Harbor, San Diego Harbor, and Port Hueneme Harbor, California.

(a) *Prohibited dumping grounds.* (1) The waters of San Pedro Bay and San Pedro Channel off Los Angeles-Long Beach Harbors within an area bounded as follows: Beginning at latitude 33°-42'51", longitude 118°18'35"; thence 180° true to latitude 33°40'34", longitude 118°18'35"; thence to latitude 33°34'30", longitude 118°14'06"; thence 090° true to latitude 33°34'30", longitude 118°07'28"; and thence to latitude 33°41'44", longitude 118°02'50".

(2) The waters of the Pacific Ocean off San Diego Harbor including the dredged channel, within an area bounded as follows: Beginning at Point Loma Light; thence to latitude 32°32'00", longitude 117°16'50"; and thence to latitude 32°33'30", longitude 117°07'45".

(3) The waters of Santa Barbara Channel and the Pacific Ocean off Port Hueneme Harbor within an area prescribed by an arc with a radius of three nautical miles seaward from Port Hueneme Light.

(b) *The regulations.* (1) No dumping of solid objects or solid materials of any type or class by any vessel or craft within the areas prescribed in this section shall be done until prior permission therefor has been obtained from the District Engineer, U.S. Army Engineer District, Los Angeles, 751 South Figueroa Street, Los Angeles 17, California.

(2) The district engineer may suspend the work or revoke the permission at any time. If inspections or any other operations by the United States are necessary in the interests of navigation, all expenses connected therewith shall be borne by the party responsible for the dumping.

(3) The regulations in this section shall be enforced by the Commander, Western Sea Frontier, the Commandant, Eleventh Naval District, San Diego, California, and such agencies as the Commandant may designate.

[Regs., June 23, 1959, 285/91 (Pacific Ocean, Calif.)—ENGWO] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

R. V. LEE,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 59-5737; Filed, July 10, 1959; 8:45 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 111—POSTAL UNION MAIL

PART 161—SHIPPER'S EXPORT DECLARATION

Miscellaneous Amendments

Regulations of the Post Office Department are amended as follows:

I. In § 111.2 *Specific categories,* subparagraph (8) of paragraph (g) is amended by striking out "Ireland (Eire)" where it appears therein. The Postal Administration of Ireland has given notice that small packets may now be accepted for delivery in that country.

NOTE: The corresponding Postal Manual section is 221.278.

(R.S. 161, as amended, 396, as amended, 398, as amended; 5 U.S.C. 22, 369, 372)

II. In § 161.1 *When required,* strike out "$25" where it appears in that part preceding paragraph (a) and insert in lieu thereof "$50", so that the part reads: "Business concerns sending merchandise valued at $50 and over to other business concerns—"

NOTE: The corresponding Postal Manual section is 271.1.

(R.S. 161, as amended, 396, as amended, 398, as amended; 5 U.S.C. 22, 369, 372)

[SEAL] HERBERT B. WARBURTON,
General Counsel.

[F.R. Doc. 59-5752; Filed, July 10, 1959; 8:47 a.m.]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER S—NUMBERING OF UNDOCUMENTED VESSELS, STATISTICS ON NUMBERING, AND "BOATING ACCIDENT REPORTS" AND ACCIDENT STATISTICS

[CGFR 59-28]

PART 172—NUMBERING REQUIREMENTS UNDER ACT OF JUNE 7, 1918

Subpart 172.25—Termination Requirements

FLORIDA SYSTEM OF NUMBERING APPROVED

Acting under the authority delegated by Treasury Department Order 167-32, dated September 23, 1958 (23 F.R. 7605), the Commandant, United States Coast Guard, on June 25, 1959, approved the Florida system for the numbering of motorboats, which was established pursuant to the Federal Boating Act of 1958.

As provided in this approval, the Florida system shall be operative on and after Monday, July 20, 1959. On that date the authority to number motorboats principally used in the State of Florida will pass to that State and simultaneously the Coast Guard will discontinue numbering such motorboats. Those motorboats presently numbered should continue to display the Coast Guard number until renumbered by Florida. On and after July 20, 1959, all reports of "boating accidents" which involve motorboats numbered in Florida will be required to be reported to the nearest county sheriff in Florida pursuant to the Florida Motorboat Registration and Certification Act of 1959.

Because § 172.25-15(a), as set forth in this document, is an informative rule about official actions performed by the Commandant, it is hereby found that compliance with the Administrative Procedure Act (respecting notice of proposed rule making, public rule making procedures thereon, and effective date requirements thereof) is unnecessary.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), and 167-17, dated June 29, 1955 (20 F.R. 4976), to promulgate rules in accordance with the statutes cited with the informative rule below, the following § 172.25-15(a) is prescribed and shall

be in effect on and after the date set forth therein:

§ 172.25–15 Effective dates for approved State systems of numbering.

(a) The following State systems of numbering have been approved with effective dates as follows:

(1) Florida—July 20, 1959.

(Sec. 3, 60 Stat. 238, and sec. 633, 63 Stat. 545; 5 U.S.C. 1002, 14 U.S.C. 633)

Dated: July 7, 1959.

[SEAL] A. C. RICHMOND,
Vice Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 59-5748; Filed, July 10, 1959; 8:46 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 59-661]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

Treaties and Other International Agreements Relating to Radio

In the matter of amendment to § 2.601 of Part 2 of the Commission's rules and regulations.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 1st day of July 1959;

The Commission having under consideration § 2.601 of Part 2 of its rules and regulations; and

It appearing that the proposed changes do not in any way affect the requirements of any of the Commission's rules and regulations; and

It further appearing that because of the informational nature of the proposed changes, notice and public procedure thereon as prescribed by section 4(a) of the Administrative Procedure Act is unnecessary, and that this order may be made effective immediately for the same reasons; and

It further appearing that authority for this action is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended,

It is ordered, That, effective July 1, 1959, Part 2 of the Commission's rules and regulations is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: July 7, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

1. Part 2 is amended by replacing the existing text of § 2.601 with the text below:

§ 2.601 Treaties and Other International Agreements relating to Radio.

(Corrected to June 1, 1959. The Commission does not distribute copies of these documents. Inquiry may be made to the U.S. Government Printing Office concerning availability for purchase.)

(a) The applicable International Treaties and Other International Agreements in force relating to radio and to which the United States of America is a party, are listed below:

Date	Citations[1]	Subject
1925	IV Trenwith 4248 IV Trenwith 4250 IV Trenwith 4251 TS 724-A	Bilateral Arrangements between the United States and the following: Great Britain. Canada. Newfoundland. Effected by exchange of notes signed Sept. and Oct., 1925, providing for the prevention of interference by ships off the coast of these countries with radio broadcasting. Entered into force Oct. 1, 1925.
1928 and 1929	1929 For. Rel., vol. II, p. 114. TS 767-A.	Arrangement between the United States and the Dominion of Canada governing radio communication between private experimental stations. Effected by exchange of notes signed Oct. 2, and Dec. 29, 1928, and Jan. 12, 1929. Entered into force Jan. 1, 1929. This Arrangement is continued by the Arrangement contained in EAS 62.
1929	IV Trenwith 4787 TS 777-A.	Arrangement between the United States, Canada, Cuba, and Newfoundland relating to assignment of high frequencies on the North American Continent. Effected by exchange of notes signed at Ottawa on Feb. 26 and 28, 1929. Entered into force Mar. 1, 1929. (Cuba ceased to be a party by virtue of notice to the Canadian Government of Oct. 5, 1933.) Arrangement still in force with respect to the United States and Canada (including Newfoundland).
1934	48 Stat. 1870 EAS 62.	Arrangement between the United States and the Dominion of Canada relative to radio communications between private experimental stations and between amateur stations. Continues the Arrangement effected by the Arrangement contained in TS 767-A. Effected by exchange of notes Apr. 23, and May 2 and 4, 1934. Entered into force on May 4, 1934.
1934	49 Stat. 3555 EAS 66.	Arrangement between the United States and Peru concerning radio communications between amateur stations on behalf of third parties. Effected by exchange of notes signed Feb. 16, and May 23, 1934. Entered into force May 23, 1934.
1934	49 Stat. 3667 EAS 72.	Arrangement between the United States and Chile relative to radio communications between amateur stations on behalf of third parties. Effected by exchange of notes signed Aug. 2 and 17, 1934. Entered into force Aug. 17, 1934.
1937	51 Stat. 314 EAS 109.	Agreement between the United States and Canada relating to the exchange of information concerning issuance of radio licenses. Effected by exchange of notes signed Mar. 2 and 10, Aug. 17, Sept. 8 and 20, Oct. 9, 1937. Entered into force Sept. 8, 1937. This Agreement was largely superseded by the notification procedures established in the NARBA (TS 962, EAS 227, and TIAS 1553) and under the Inter-American Radio Communications Convention (TS 938).
1937	53 Stat. 1576 TS 938.	Inter-American Radio Communications Convention between the United States and Other Powers. Signed at Havana, Dec. 13, 1937 (First Inter-American Conference). Entered into force Apr. 17, 1939.
1937	55 Stat. 1005 TS 962.	North American Regional Broadcasting Agreement (NARBA) between the United States, Canada, Cuba, Dominican Republic, Haiti, and Mexico. Signed at Havana, Dec. 13, 1937. Entered into force Mar. 29, 1941. EAS 227 and TIAS 1553 supplement this Agreement.
1938	54 Stat. 1675 TS 949.	Regional Radio Convention between the United States (in behalf of the Canal Zone) and Other Powers. Signed at Guatemala City, Dec. 8, 1938. Entered into force Oct. 8, 1939.
1938	53 Stat. 2042 EAS 136.	Arrangement between the United States and Canada relative to Radio Broadcasting. Effected by exchange of notes signed Oct. 28, and Dec. 10, 1938. Entered into force Mar. 29, 1941.
1938	53 Stat. 2092 EAS 142.	Agreement between the United States and Canada concerning Radio Communications. Effected by exchange of notes signed in June, July, Aug., Sept., Oct., Nov., and Dec., 1938. Entered into force Aug. 1, 1938.
1939	53 Stat. 2157 EAS 143.	Arrangement between the United States and Canada concerning the Use of Radio for Civil Aeronautical Services. Effected by exchange of notes signed Feb. 20, 1939. Entered into force Feb. 20, 1939.
1940	54 Stat. 2483 EAS 196.	Agreement between the United States and Mexico with regard to Broadcasting. Effected by exchange of notes signed Aug. 24, and 28, 1940. Entered into force Mar. 29, 1941.
1941	55 Stat. 1398 EAS 227.	Supplementary North American Regional Broadcasting Agreement signed at Washington, D.C., Jan. 30, 1941. Entered into force Mar. 29, 1941. (See TS 962 and TIAS 1553).
1946	60 Stat. 1696 TIAS 1527.	Agreement between the United States and the Union of Soviet Socialist Republics on Organization of Commercial Radio Teletype Communication Channels. Signed at Moscow, May 24, 1946. Entered into force May 24, 1946.
1946	60 Stat. 1862 TIAS 1553.	North American Regional Broadcasting (NARBA) Interim Agreement between the United States and Other Governments (Modus Vivendi). Signed at Washington, D.C., Feb. 25, 1946. Entered into force Mar. 29, 1946. (See TS 962 and EAS 227). Amended by an Arrangement between the United States and Canada concerning Engineering Standards Applicable to the Allocation of Standard Broadcasting Stations (540–1600 kc.) (TIAS 1802 which entered into force Apr. 1, 1948).
1947	61 (3) Stat. 3131 TIAS 1652.	Agreement between the United States and the United Kingdom of Great Britain and Northern Ireland concerning Telecommunication Standardization of Distance Measuring Equipment. Signed at Washington, D.C., Oct. 13, 1947. Entered into force Oct. 13, 1947.

[1] Trenwith—Treaties, Conventions, International Acts, Protocols, and Agreements between the United States of America and Other Powers, 1923–1937 (Compiled under Senate Resolution No. 132, Seventy-fifth Congress, First Session.
For. Rel.—Papers Relating to the Foreign Relations of the United States, 1929.
Stat.—United States Statutes at Large.
UST—United States Treaties and Other International Agreements.
TS—Treaty Series.
EAS—Executive Agreement Series.
TIAS—Treaties and Other International Acts Series.

Date	Citations [1]	Subject
1947	61 (4) Stat. 3416 TIAS 1676.	Agreement between the United States and the United Nations relative to headquarters of the U.N. Signed at Lake Success, June 26, 1947. Entered into force Nov. 21, 1947, by an exchange of notes between the United States Representative to the United Nations and the Secretary-General of the U.N. (The provisions of this Agreement were also made Public Law 357 of the 80th Congress, approved Aug. 4, 1947.)
1947	61 (4) Stat. 3800 TIAS 1726.	Agreement between the United States and Canada providing for Frequency Modulation Broadcasting in Channels in the r.f. band 88-108 Mc. Effected by exchange of notes signed at Washington, D.C., Jan. 8, and Oct. 15, 1947. Entered into force Oct. 15, 1947.
1947		Agreement between the United States and the Republic of the Philippines concerning the use of radio facilities in the Philippines. Signed at Manila, Sept. 4, 1947. Entered into force on the date of its signature as a modus vivendi pending ratification by the Senate of the Philippines.
1947	63 (2) Stat. 1399 TIAS 1901.	International Radio Regulations. Signed at Atlantic City, Oct. 2, 1947. Entered into force Jan. 1, 1949, except for those Radio Regulations enumerated in Article 47. However, the effective date provisions of the Radio Regulations Article 47 have been superseded by the provisions of the Agreement signed at the Extraordinary Administrative Radio Conference, Geneva, 1951. (This printing contains also the International Telecommunication Convention, Atlantic City, 1947, which is superseded by the International Telecommunication Convention, Buenos Aires, 1952. The printing does not contain the Additional Radio Regulations since the United States is not a party thereto. Copies of the Atlantic City Radio Regulations which include the Additional Radio Regulations, are available only from the International Telecommunication Union, Geneva, Switzerland.)
1948	62 (3) Stat. 2652 TIAS 1802.	Arrangement between the United States and Canada concerning Radio Broadcasting. Engineering Standards Applicable to the Allocation of Standard Broadcasting Stations (540-1600 kc.). Effected by exchange of notes signed at Washington, D.C., Dec. 24, 1947, and Apr. 1, 1948. Entered into force Apr. 1, 1948.
1948	TIAS 4044.	Intergovernmental Maritime Consultative Organization (IMCO) Convention. Signed at Geneva, Mar. 6, 1948. Entered into force Mar. 17, 1958.
1948	3 UST (3) 3450 TIAS 2495.	International Convention for the Safety of Life at Sea and Annexed Regulations. Signed at London June 10, 1948. Entered into force Nov. 19, 1952.
1949	2 UST (1) 17 TIAS 2175.	Telegraph Regulations (Paris Revision, 1949), annexed to the International Telecommunication Convention and Final Protocol to the Telegraph Regulations. Signed at Paris Aug. 5, 1949. Entered into force with respect to the United States Sept. 26, 1950.
1949	3 UST (2) 2686 TIAS 2435.	Agreement between the United States and Certain British Commonwealth Governments regarding Telecommunications. Signed at London, Aug. 12, 1949. Entered into force Feb. 24, 1950. This Agreement was amended by TIAS 2705 which was signed Oct. 1, 1952.
1949	3 UST (3) 3064 TIAS 2489.	Inter-American Radio Agreement between the United States and Canada and Other American Republics.[2] (Fourth Inter-American Radio Conference). Signed at Washington, D.C., July 9, 1949. Entered into force Apr. 13, 1952, subject to the provisions of Article 13.
1950	3 UST (2) 2672 TIAS 2433.	Arrangement between the United States and Ecuador concerning Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes signed at Quito, Mar. 16 and 17, 1950. Entered into force Mar. 17, 1950.
1951	2 UST (1) 683 TIAS 2223.	Agreement between the United States and Liberia regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes signed at Monrovia, Nov. 9, 1950, and Jan. 8, 9, and 10, 1951. Entered into force Jan. 11, 1951.
1951	3 UST (3) 3787 TIAS 2508.	Treaty with Canada relating to Mutual Recognition by the United States and Canada of Certain Radio Station and Operator Licenses issued in either country. Signed at Ottawa, Feb. 8, 1951. Entered into force May 15, 1952.
1951	2 UST (1) 1041 TIAS 2259.	Agreement between the United States and Ceylon concerning the Use of Facilities of Radio Ceylon. Effected by exchange of notes signed at Colombo, May 12 and 14, 1951. Entered into force May 14, 1951.
1951	2 UST (2) 2500 TIAS 2366.	Agreement between the United States and Mexico which assigns Television Frequency Channels to Cities within 250 Miles of the United States-Mexico Border. Effected by exchange of notes signed at Mexico Aug. 10, and Sept. 26, 1951. Entered into force Sept. 26, 1951. (TIAS 2366 is amended by TIAS 2654 which was signed at Mexico City, June 4 and 25, 1952.)
1951	3 UST (2) 2860 TIAS 2450.	Agreement between the United States and Cuba concerning the Control of Electro-magnetic Radiation. Effected by exchange of notes signed at Havana, Dec. 10 and 18, 1951. Entered into force Dec. 18, 1951.
1951	3 UST (4) 5520 TIAS 2753.	Agreement signed at the Extraordinary Administrative Radio Conference to bring into force the Table of Frequency Allocations and other provisions of the Radil Regulations (Atlantic City, 1947) not brought into force January 1, 1949. Signed at Geneva, Dec. 3, 1951. Entered into force March 1, 1952.
1952	3 UST (3) 3892 TIAS 2520.	Agreement between the United States and Cuba regarding Radio Communications between Amateur Stations on Behalf of Third parties. Effected by exchange of notes signed at Havana, Sept. 17, 1951, and Feb. 27, 1952. Entered into force Feb. 27, 1952.
1952	3 UST (3) 4443 TIAS 2594.	Agreement between the United States and Canada which assigns Television Frequency Channels to Cities within 250 miles of the United States-Canadian Border. Effected by exchange of notes signed at Ottawa, Apr. 23, 1952 and June 23, 1952. Entered into force June 23, 1952.
1952	3 UST (4) 4823 TIAS 2654.	Amendment to TIAS 2366. Amends the Agreement between the United States and Mexico on the Allocation of Television Channels Along the United States-Mexican Border. Signed at Mexico, June 4 and 25, 1952. Entered into force June 25, 1952.
1952	3 UST (4) 4926 TIAS 2666.	Agreement between the United States and Canada for the Purpose of Promoting Safety on the Great Lakes by Means of Radio. The Agreement applies to vessels of all countries as provided for in Article 3. Signed at Ottawa, Feb. 21, 1952. Entered into force Nov. 13, 1954.
1952	3 UST (4) 5140 TIAS 2705.	London Revision (1952) of the London Telecommunication Agreement (1949) between the United States and Canada and Certain British Commonwealth Governments. Signed at London, Oct. 1, 1952. Entered into force Oct. 1, 1952. This amends the agreement contained in TIAS 2435 signed at London, Aug. 12, 1949.
1952	6 UST 1213 TIAS 3266.	International Telecommunication Convention. Signed at Buenos Aires, Dec. 22, 1952. Entered into force with respect to the United States June 27, 1955.
1953	5 UST (3) 2840 TIAS 3138.	Understanding between United States and Canada relating to the Sealing of Mobile Radio Transmitting Equipment. Effected by exchange of notes signed at Washington, D.C., Mar. 9 and 17, 1953. Entered into force Mar. 17, 1953.
1956	7 UST 2179 TIAS 3617.	Agreement between the United States and Panama concerning Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes signed at Panama, July 19 and Aug. 1, 1956. Entered into force Sept. 1, 1956.
1956	7 UST 2839 TIAS 3665.	Agreement between the United States and Costa Rica concerning Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes signed at Washington, D.C., Aug. 13, and Oct. 19, 1956. Entered into force Oct. 19, 1956.
1956	7 UST 3159 TIAS 3694.	Agreement between the United States and Nicaragua concerning Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes signed at Managua, Oct. 8, and 16, 1956. Entered into force Oct. 16, 1956.
1958	TIAS 4089.	Agreement between the United States and Mexico regarding Allocation of Ultra High Frequency Channels to Land Border Television Stations. Effected by exchange of notes signed at Mexico, July 16, 1958. Entered into force July 16, 1958.

[1] Trenwith—Treaties, Conventions, International Acts, Protocols, and Agreements between the United States of America and Other Powers, 1923-1937 (Compiled under Senate Resolution No. 132, Seventy-fifth Congress, First Session).
For. Rel.—Papers Relating to the Foreign Relations of the United States, 1929.
Stat.—United States Statutes at Large.
UST—United States Treaties and Other International Agreements.
TS—Treaty Series.
EAS—Executive Agreement Series.
TIAS—Treaties and Other International Acts Series.

[2] In addition, certain Resolutions and Recommendations were adopted by a number of countries, members of the International Telecommunication Union Region 2 at Washington, D.C., on July 9, 1949. (Available from the International Telecommunication Union, Geneva, Switzerland.)

(b) In addition, the United States of America is bound by certain treaties and agreements which are generally considered as superseded because some of the contracting countries other than the United States did not become a party to subsequent treaties and agreements. The United States is, in such instances, bound by the older agreement with respect to its relations with those particular countries. These include the following:

Date	Citations [1]	Subject
1912	38 Stat. 1672 TS 581.	International Radiotelegraph Convention. Final Protocol and Service Regulations. Signed at London, July 5, 1912. Entered into force July 1, 1913.
1927	45 Stat. 2760 TS 767.	International Radiotelegraph Convention and General Regulations. Signed at Washington, D.C., Nov. 25, 1927. Entered into force Jan. 1, 1929.
1932	49 Stat. 2391 TS 867.	International Telecommunication Convention, General Radio Regulations annexed to the International Telecommunication Convention. Signed at Madrid, Dec. 9, 1932. Entered into force for the United States June 12, 1934.
1937	54 Stat. 2514 EAS 200.	Inter-American Arrangement concerning Radiocommunications and Annex. Signed at Havana, Dec. 13, 1937. Entered into force for the United States July 18, 1938. This Arrangement was replaced by the Inter-American Agreement concerning Radiocommunications signed at Santiago, Jan. 26, 1940 (EAS 231).
1938	54 Stat. 1417 TS 948.	General Radio Regulations (Cairo Revision, 1938) and Final Radio Protocol (Cairo Revision, 1938) annexed to the International Telecommunication Convention of Madrid, 1932. Superseded by the Radio Regulations (Atlantic City, 1947) annexed to the International Telecommunication Convention. Entered into force Sept. 1, 1939.
1940	55 Stat. 1482 EAS 231.	Inter-American Radio Communications Agreement between the United States, Canada, and Other American Republics. (Second Inter-American Radio Conference.) Signed at Santiago, Jan. 26, 1940. Entered into force with respect to the United States June 26, 1941. Replaced by the Inter-American Radio Agreement signed at Washington, D.C., July 9, 1949 (TIAS 2489.)
1947	63 (2) Stat. 1399 TIAS 1901.	International Telecommunication Convention. Signed at Atlantic City, Oct. 2, 1947. Entered into force Jan. 1, 1949. Superseded by the International Telecommunication Convention signed at Buenos Aires, Dec. 22, 1952 (TIAS 3266). This printing contains also the Radio Regulations and other documents still in force.

[1] Stat.—United States Statutes at Large.
TS—Treaty Series.
EAS—Executive Agreement Series.
TIAS—Treaties and Other International Acts Series.

(c) The following agreements have been signed by the United States and are included because of their importance or of the imminence of their effective dates:

Date	Subject
1950	North American Regional Broadcasting Agreement (NARBA) between the United States, Canada, Cuba, Dominican Republic, United Kingdom of Great Britain and Northern Ireland for the Territories in the North American Region (Bahama Islands and Jamaica). Signed at Washington, D.C., Nov. 15, 1950. Agreement will enter into force subsequent to ratification or adherence of at least three of the following four countries, in accordance with Part III, Paragraph 1, of the Agreement: Canada, Cuba, Mexico and the United States. Subject to ratification procedure in the United States. (Available from the Department of State, Telecommunications Division, Washington 25, D.C.).
1957	Agreement between the United States and Mexico on the Use of Standard Band Broadcasting Channels (535–1605 kc). Signed at Mexico City, Jan. 29, 1957. Agreement will enter into force immediately subsequent to ratification by the constitutional procedures of each government. Subject to ratification procedure in the United States.
1958	Telegraph Regulations (Geneva Revision, 1958) annexed to the International Telecommunication Convention, Buenos Aires, 1952. Signed at Geneva, Nov. 29, 1958. Pursuant to provisions of Article 103, these Regulations will enter into force Jan. 1, 1960. Subject to ratification procedure in the United States.

(d) There are, in addition to the foregoing, certain treaties and agreements primarily concerned with matters other than the use of radio but which affect the work of the Federal Communications Commission, insofar as they involve communications. Among the most important of these are the following:

Date	Citations [1]	Subject
1944	61(2) Stat. 1180 TIAS 1591.	International Civil Aviation Convention.[2] Signed at Chicago, Dec. 7, 1944. Entered into force Apr. 4, 1947.
1946 to present		ICAO Regional Air Navigation Meetings, Communications Committee Final Reports.[2]
1946		ICAO Communications Division, Second Session, Montreal.[2]
1949		ICAO Communications Division, Third Session, Montreal.[2]
1951		ICAO Communications Division, Fourth Session, Montreal.[2]
1954		ICAO Communications Division, Fifth Session, Montreal.[2]
1957		ICAO Communications Division, Sixth Session, Montreal.[2]
1958		ICAO Communications Division, Special Session, Montreal.[2]

[1] Stat.—United States Statutes at Large. TIAS—Treaties and Other International Acts Series.
[2] Available from the Secretary General of ICAO, International Aviation Building, 1080 University Street, Montreal, Canada.

[F.R. Doc. 59–5723; Filed, July 10, 1959; 8:45 a.m.]

PROPOSED RULE MAKING

FEDERAL AVIATION AGENCY

[14 CFR Part 43]

[Regulatory Docket No. 56; Draft Release 59–8]

GENERAL OPERATION RULES

Student Piloting of Make and Model of Aircraft Other Than That for Which Approved by a Flight Instructor

Pursuant to the authority delegated to me by the Administrator (§ 405.27, 24 F.R. 2196) notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 43 of the Civil Air Regulations as hereinafter set forth.

Section 43.55 provides that a student shall not pilot an aircraft other than that of the category, class and type which has been endorsed on his student pilot certificate by a flight instructor. As used in this regulation, the word "type" was intended to mean the make and model of the aircraft which a flight instructor had found the student to be qualified to fly solo. It was not intended that the endorsement of a make and model on the student pilot certificate meant that the student was approved to fly solo in an aircraft of any other make and model regardless of the similarity of such aircraft to that endorsed on his certificate. Similarity in the design of some aircraft, especially those of the same manufacturer, could present substantial difficulty in determining whether two particular aircraft are of the same type. Accordingly, it is proposed to amend the provisions of § 43.55 by substituting the words "make and model" for the word "type", to clarify the intention and application of the section.

Interested persons may participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C. All communications received within sixty days after publication of this notice in the FEDERAL REGISTER will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination by interested persons in the Docket Section when the prescribed date for return of comments has expired.

This amendment is proposed under the authority of sections 313(a), 601 and

602(a) of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354, 1421, 1422).

In consideration of the foregoing, it is proposed to amend Part 43 (14 CFR Part 43) by amending § 43.55 to read as follows:

§ 43.55 Aircraft limitations.

A student shall not pilot an aircraft other than that of the category, class, and make and model which has been endorsed on his student pilot certificate by a flight instructor.

Issued in Washington, D.C., on July 7, 1959.

WILLIAM B. DAVIS,
Director,
Bureau of Flight Standards.

JULY 7, 1959.

[F.R. Doc. 59-5767; Filed, July 10, 1959; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 957]

IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

Proposed Expenses and Rate of Assessment

Notice is hereby given that the Secretary of Agriculture is considering the approval of the expenses and rate of assessment, hereinafter set forth, which were recommended by the Idaho-Eastern Oregon Potato Committee, established pursuant to Marketing Agreement No. 98 and Order No. 57, as amended (7 CFR Part 957), regulating the handling of Irish Potatoes grown in certain designated counties in Idaho and Malheur County, Oregon, issued under the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

Consideration will be given to any data, views, or arguments pertaining thereto which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than 15 days following publication of this notice in the FEDERAL REGISTER. The proposals are as follows:

§ 957.212 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the Idaho-Eastern Oregon Potato Committee, established pursuant to Marketing Agreement No. 98 and Order No. 57, as amended, to enable such committee to perform its functions, pursuant to provisions of the aforesaid marketing agreement and order, as amended, during the fiscal period beginning June 1, 1959 and ending May 31, 1960, will amount to $30,000.00.

(b) The rate of assessment to be paid by each handler, pursuant to Marketing Agreement No. 98 and Order No. 57, as amended, shall be sixty cents per carload or fraction thereof, or per truckload of 5,000 pounds or more, of potatoes handled by him as the first handler thereof during said fiscal period.

(c) Terms used in this section shall have the same meaning as when used in Marketing Agreement No. 98 and Order No. 57, as amended.

(Secs. 1–19, 48 Stat., as amended; 7 U.S.C. 601–674)

Dated: July 8, 1959.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59-5760; Filed, July 10, 1959; 8:48 a.m.]

[7 CFR Part 973]

[Docket No. AO-178-A10]

MILK IN MINNEAPOLIS-ST. PAUL MARKETING AREA

Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the North American Life and Casualty Building, 1750 Hennepin Avenue, Minneapolis 3, Minnesota, beginning at 10:00 a.m., on July 15, 1959, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Minneapolis-St. Paul, marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and emergency marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the Twin City Milk Producers Association:

Proposal No. 1. Change from July through October to August through October as the months in 1959 during which a plant must ship at least 50 percent of its receipts to distributing plants that are pool plants in order to obtain automatic pool plant status for the following November through June.

Proposed by the Dairy Division, Agricultural Marketing Service:

Proposal No. 2. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, 1750 Hennepin Avenue, Room 307, Minneapolis 3, Minnesota, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Issued at Washington, D.C., this 8th day of July 1959.

F. R. BURKE,
Acting Deputy Administrator.

[F.R. Doc. 59-5766; Filed, July 10, 1959; 8:49 a.m.]

[7 CFR Part 992]

IRISH POTATOES GROWN IN WASHINGTON

Proposed Expenses and Rate of Assessment

Notice is hereby given that the Secretary of Agriculture is considering the approval of expenses and rate of assessment, hereinafter set forth, which were recommended by the State of Washington Potato Committee, established pursuant to Marketing Agreement No. 113 and Order No. 92 (7 CFR Part 992), regulating the handling of Irish Potatoes Grown in the State of Washington, issued under the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

Consideration will be given to any data, views, or arguments pertaining thereto which are filed in triplicate with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than 15 days following publication of this notice in the FEDERAL REGISTER. The proposals are as follows:

§ 992.211 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the State of Washington Potato Committee, established pursuant to Marketing Agreement No. 113 and Order No. 92, to enable such committee to perform its functions, pursuant to provisions of the marketing agreement and order, during the fiscal year ending May 31, 1960, will amount to $23,664.00.

(b) The rate of assessment to be paid by each handler, pursuant to Marketing Agreement No. 113 and Order No. 92, shall be three-eighths of one cent ($0.00375) per hundredweight of potatoes handled by him, as the first handler thereof, during the fiscal year.

(c) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 113 and Order No. 92 (7 CFR Part 992).

(Secs. 1–19, 48 Stat., as amended; 7 U.S.C. 601–674)

Dated: July 8, 1959.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59-5761; Filed, July 10, 1959; 8:48 a.m.]

Agricultural Research Service

[9 CFR Part 131]

HANDLING OF ANTI-HOG-CHOLERA SERUM AND HOG-CHOLERA VIRUS

Approval of Budget and Fixing of Rate of Assessment for Calendar Year 1959

Consideration is being given to the approval of a budget of expenses of the Control Agency established under the marketing agreement and the marketing order (9 CFR 131.1 et seq.), regulating the handling of anti-hog-cholera serum and hog-cholera virus, and the fixing of the rate of assessment to be paid by handlers, for the calendar year 1959, as follows:

§ 131.159 Budget of expenses and rates of assessment for the calendar year 1959.

(a) *Budget of expenses.* The expenses which will necessarily be incurred by the Control Agency, established pursuant to the provisions of the marketing agreement and of the marketing order, for the maintenance and functioning of said Agency during the calendar year 1959, will amount to $44,615.00 under the recommendation of the Control Agency, from which shall be deducted the unexpended balance of $11,847.02 on hand with said Control Agency on January 1, 1959, from assessments collected during the calendar year 1958, leaving a balance of $32,767.98 to be collected during the calendar year 1959.

(b) *Rates of assessment.* Of the amount of $32,767.98 to be collected during the calendar year 1959, the sum of $25,001.97 shall be assessed against handlers who are manufacturers, and $7,766.01 shall be assessed against handlers who are wholesalers. The pro rata share of the expenses of the Control Agency to be paid for the calendar year 1959 by each handler who is a manufacturer shall be $14.54 for each ten thousand dollars or fraction thereof of serum and virus sold by such handler during the calendar year 1958 and the pro rata share of such expenses to be paid for the calendar year 1959 by each handler who is a wholesaler shall be $25.00 for the first ten thousand dollars or fraction thereof and $4.70 for each additional ten thousand dollars or fraction thereof of serum and virus sold by such handler. Such assessments shall be paid by each respective handler in accordance with the applicable provisions of the marketing agreement and order.

(c) *Terms.* As used herein, the terms "handler", "manufacturer", "wholesaler", "virus", and "serum" shall have the same meaning as is given to each such term in said marketing agreement and marketing order.

Interested parties may obtain copies of the budget mentioned herein from the Executive Secretary of the Control Agency, 512 Veterans of Foreign Wars Building, Kansas City 11, Mo.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid consideration shall file the same with the Hearing Clerk, Room 112, Building A, United States Department of Agriculture, Washington 25, D.C., not later than the close of business on the fifteenth (15th) day after the publication of this notice in the FEDERAL REGISTER. All documents shall be filed in quadruplicate. (49 Stat. 781; 7 U.S.C. 851 et seq.).

Issued this 7th day of July 1959.

M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 59-5762; Filed, July 10, 1959; 8:49 a.m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[643.3]

DEFORMED STEEL BARS FROM MEXICO

Notice That There Is Reason To Believe or Suspect Purchase Price Is Less or Likely To Be Less Than Foreign Market Value

JULY 7, 1959.

Pursuant to section 201(b) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(b)), notice is hereby given that there is reason to believe or suspect, from information presented to me, that the purchase price of deformed steel bars manufactured by Aceros Del Norte, Mexicali, B.C., Mexico, is less or likely to be less than the foreign market value, as defined by sections 203 and 205, respectively, of the Antidumping Act, 1921, as amended (19 U.S.C. 162 and 164).

Customs officers are being authorized to withhold appraisement of entries of deformed steel bars manufactured by Aceros Del Norte, Mexicali, B.C., Mexico, pursuant to § 14.9 of the customs regulations (19 CFR 14.9).

[SEAL] RALPH KELLY,
Commissioner of Customs.

[F.R. Doc. 59-5749; Filed, July 10, 1959; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

NEVADA COUNTY LIVESTOCK AUCTION ET AL.

Deposting of Stockyards

It has been ascertained that the Nevada County Livestock Auction, Prescott, Arkansas, originally posted on December 18, 1958, as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), and the Hugh W. Ford Livestock Commission Company, La Junta, Colorado, originally posted on August 23, 1951, as being subject to said act, no longer come within the definition of a stockyard under said act for the reason that they are no longer being conducted or operated as public markets. Accordingly, notice is given to the owners thereof and to the public that such livestock markets are no longer subject to the provisions of the act.

Notice or other public procedure has not preceded promulgation of the foregoing rule since it is found that the giving of such notice would prevent the due and timely administration of the Packers and Stockyards Act and would, therefore be impracticable and contrary to the public interest. There is no legal warrant or justification for not deposting promptly a stockyard which is no longer within the definition of that term contained in said act.

The foregoing is in the nature of a rule granting an exemption or relieving a restriction and, therefore, may be made effective in less than 30 days after publication in the FEDERAL REGISTER. This notice shall become effective upon publication in the FEDERAL REGISTER.

(42 Stat. 159, as amended and supplemented; 7 U.S.C. 181 et seq.)

Done at Washington, D.C., this 6th day of July 1959.

DAVID M. PETTUS,
Director, Livestock Division,
Agricultural Marketing Service.

[F.R. Doc. 59-5746; Filed, July 10, 1959; 8:46 a.m.]

LAFAYETTE COUNTY LIVESTOCK AUCTION, INC., ET AL.

Proposed Posting of Stockyards

The Director of the Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202) and should be made subject to the provisions of the act.

Lafayette County Livestock Auction, Inc., Lewisville, Ark.
Mankato Sales Co., Mankato, Kans.
D & D Sales Pavilion, Alexandria, Minn.
Granite Falls Sales Co., Granite Falls, Minn.

Luverne Livestock Association, Luverne, Minn.
Pipestone Livestock Auction Market, Pipestone, Minn.
Spring Grove Livestock Exchange, Spring Grove, Minn.
Renville Sales Pavilion, Renville, Minn.
Wadena Auction Market, Wadena, Minn.
Holden Auction Co., Holden, Mo.
Davenport Sale Barn, Davenport, Nebr.
Sugarcreek Livestock Auction, Sugarcreek, Ohio.
Loopers Auction, Stillwater, Okla.
Maxson Sales Co., Inc., South Coffeyville, Okla.

Notice is hereby given, therefore, that the said Director, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the act, as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule may do so by filing them with the Director, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., within 15 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D.C., this 6th day of July 1959.

DAVID M. PETTUS,
Director, Livestock Division, Agricultural Marketing Service.

[F.R. Doc. 59-5745; Filed, July 10, 1959; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

U.S. ATLANTIC & GULF-PUERTO RICO CONFERENCE (MEMBER LINES) ET AL.

Agreements Filed for Approval

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U.S.C. 814):

(1) Agreement No. 6120-9, between the member lines of the United States Atlantic & Gulf-Puerto Rico Conference, modifies the basic agreement of that conference (No. 6120, as amended), to provide for the giving of thirty days written notice before withdrawal from conference membership becomes effective. Agreement No. 6120, as amended, presently provides for the giving of fifteen days written notice of withdrawal.

(2) Agreement No. 8081-1, between the carriers comprising the Ivaran Lines-Far East Service joint service and Bull Insular Line, Inc., modifies approved Agreement No. 8081, which covers a through billing arrangement in the trade from Hongkong, the Philippines and Japan to Puerto Rico with transhipment at New York, Baltimore and Philadelphia. The purpose of the modification is to include Mobile and New Orleans as ports of transhipment under the agreement.

(3) Agreement No. 8382, between the carriers comprising the Southern Cross Line joint service and Bull Insular Line, Inc., covers a through billing arrangement in the trade from Argentina, Uruguay and Brazil to Puerto Rico, with transhipment at New York, Baltimore, Philadelphia, Mobile or New Orleans.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to any of these agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: July 8, 1959.

By order of the Federal Maritime Board.

[SEAL] JAMES L. PIMPER,
Secretary.

[F.R. Doc. 59-5765; Filed, July 10, 1959; 8:49 a.m.]

Maritime Administration

[Docket No. S-95]

MOORE-McCORMACK LINES, INC.

Notice of Cancellation of Hearing

Notice of Hearing in the above-captioned matter appeared in the FEDERAL REGISTER issue of June 30, 1959 (24 F.R. 5315).

Notice is hereby given that such hearing is cancelled by reason of withdrawal of Application.

Dated: July 8, 1959.

[SEAL] JAMES L. PIMPER,
Secretary.

[F.R. Doc. 59-5763; Filed, July 10, 1959; 8:49 a.m.]

[Docket No. S-96]

MOORE-McCORMACK LINES, INC.

Notice of Application and of Hearing

Notice is hereby given of the application of Moore-McCormack Lines, Inc., for written permission of the Maritime Administrator, under section 805(a) of the Merchant Marine Act, 1936, as amended, 46 U.S.C. 1223, for its owned vessel, the "SS Mormacpine," which is under time charter to States Marine Lines to engage in one intercoastal voyage commencing at United States Pacific ports on or about July 29, 1959, to load a full cargo of lumber for discharge at United States North Atlantic ports. This application may be inspected by interested parties in the Office of Government Aid, Maritime Administration.

A hearing on the application has been set before the Maritime Administrator for July 22, 1959, at 9:30 a.m., e.d.t., in Room 4519, General Accounting Office Building, 441 G Street NW., Washington 25, D.C. Any person, firm, or corporation having any interest (within the meaning of section 805(a)) in such application and desiring to be heard on issues pertinent to section 805(a) must, before the close of business on July 21, 1959, notify the Secretary, Maritime Administration in writing, in triplicate and file petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief. Not withstanding anything in Rule 5(n) of the rules of practice and procedure, Maritime Administration, petitions for leave to intervene received after the close of business on July 21, 1959, will not be granted in this proceeding.

Dated: July 8, 1959.

[SEAL] JAMES L. PIMPER,
Secretary.

[F.R. Doc. 59-5764; Filed, July 10, 1959; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-18618]

EAST TENNESSEE NATURAL GAS CO.

Notice of Application and Date of Hearing

JULY 6, 1959.

Take notice that on May 25, 1959, East Tennessee Natural Gas Company (Applicant) filed an application in Docket No. G-18618, pursuant to section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity seeking authorization to relocate, during the remainder of calendar year 1959 and during calendar year 1960, certain of its transmission facilities in order to allow for easy maintenance and repair at points to be crossed by parts of the new federal interstate highway system and by new state highway construction, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Most of the relocations are unspecified since they are not known at this time.

The application states that it appears likely that contemplated new federal and state highway construction in the eastern part of Tennessee will cross several of Applicant's existing pipelines and will make future maintenance or replacement of such facilities extremely difficult. To avoid this Applicant desires authority to relocate its lines wherever they are to be crossed by new highway construction without being required to file an application for each such project individually. The overall budget-type authorization here requested will allow highway construction to proceed without the delay of waiting for authorization for each relocation.

Applicant expects that each relocation of its facilities will involve less than 2,500 feet of line. It will adjust or relocate its facilities pursuant to contract with the State of Tennessee which will reimburse Applicant for the actual cost of each relocation, and Applicant agrees to submit to the Commission completed cost data for each project with a description of the actual relocation of facilities.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 6, 1959, at 9:30 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 27, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 59-5738; Filed, July 10, 1959; 8:45 a.m.]

[Docket No. G-14806]

H. L. HAWKINS ET AL.

Notice of Application and Date of Hearing

JULY 6, 1959.

In the matter of H. L. Hawkins, H. L. Hawkins, Jr., and Frank S. Kelly, Jr., Docket No. G-14806.

H. L. Hawkins, H. L. Hawkins, Jr., and Frank S. Kelly, Jr., (Applicants), Operators[1] filed an application on April 2, 1958, in Docket No. G-14806, pursuant to section 7(b) of the Natural Gas Act, for authorization to abandon service to Trunkline Gas Company (Trunkline) from the Hawkins-Hayes Unit in the Hayes Field, Calcasieu and Jefferson Davis Parishes, Louisiana, covered by a sales contract dated December 24, 1952, between Applicants and Sinclair Oil & Gas Company (Sinclair), as sellers, and Trunkline, as buyer, on file as H. L. Hawkins, et al., FPC Gas Rate Schedule No. 2. The sale was previously authorized by the Commission's order issued March 21, 1951, in Docket No. G-4407. The foregoing proposal is more fully described in the application on file with the Commission, and open to public inspection.

Applicants state that they have encountered the increasing appearance of formation sand in the Hawkins-Hayes Unit No. 1 Well which has necessitated cutting back deliveries to Trunkline from 5,000 Mcf to 1,500 Mcf per day; that water production from the well increased to approximately 70 barrels per day thereby seriously hampering distillate recovery, and that as a result thereof, Applicants face a growing economic loss in the continued operation of the well.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 15, 1959, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 1, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 59-5739; Filed, July 10, 1959; 8:45 a.m.]

[Docket No. G-16316]

UNITED FUEL GAS CO.

Order Amending Order for Hearing, Suspending Proposed Changes in Rates, and Allowing Increased Rates To Become Effective

JULY 6, 1959.

United Fuel Gas Company (United Fuel), on August 22, 1958, tendered for filing First Revised Sheets Nos. 7, 27 and 33 and Second Revised Sheet No. 22 to its FPC Gas Tariff, Fifth Revised Volume No. 1. Said sheets proposed an increase of 0.34¢ per Mcf in the commodity price for gas sold under its FPC Gas Rate Schedules CDS-1, SGS-1, AOS-1 and ES-1. United Fuel stated that such increase was designed to recoup the added costs stemming from the gas-gathering tax levied by the State of Louisiana pursuant to Act No. 8 of 1958.

By order issued September 19, 1958, herein, the Commission suspended the aforementioned revised tariff sheets for one day, until September 23, 1958, and, by the same order, permitted said sheets to become effective, provided that United Fuel file its agreement and undertaking to make refunds should such be ordered. Said agreement and undertaking was filed on October 2, 1958, making the aforementioned revised tariff sheets effective as of September 23, 1958, subject to the terms and conditions of the order issued September 19, 1958.

On December 30, 1958, United Fuel filed a motion requesting that the Commission amend paragraphs (D) and (E) of that order so as to encompass the State's gas-severance tax, as well as the gas-gathering tax. In support of its motion, United Fuel states that this procedure (1) would be the most expeditious and most feasible method of resolving the problems in Docket No. G-16316; (2) would avoid the necessity of another rate filing; and (3) would protect United Fuel's customers by providing refunds if either or both of the Louisiana gathering and severance taxes are[1] held invalid.

The Commission finds: It is appropriate in carrying out the provisions of the Natural Gas Act that the order issued herein on September 19, 1958 be amended as hereinafter ordered.

The Commission orders:

(A) Paragraphs (D) and (E) of the order issued September 19, 1958, herein, are amended to read as follows:

(D) For the period from September 23, 1958, through and including November 30, 1958, United Fuel shall refund, with interest, at such times and in such amounts to the persons entitled thereto, and in such manner as may be required by final order of the Commission, the difference between the rates and charges found in Docket No. G-12195 to be just and reasonable and the rates and charges which, by order issued herein on September 19, 1958, were permitted to be effective as of September 23, 1958, in the event the additional gas-gathering tax levied by the State of Louisiana (Act No. 8 of 1958), for any reason is declared to be invalid. For the period from December 1, 1958, until April 7, 1959,[2] United Fuel shall refund with interest at such times and in such amounts to the persons entitled thereto, and in such manner as may be prescribed by the Commisison, the difference in the rates and charges found in Docket No. G-12195 to be just and reasonable and the increased rates and charges permitted to become effective as of September 23, 1958, by order issued herein on September 19, 1958, to the extent that the additional revenues resulting from the rates which became effective on September 23, 1958, exceed the added costs to United Fuel stemming

[1] Sinclair is a co-owner in the unit.

[1] Pursuant to Act No. 3 of the Extraordinary Session of the Legislature 1958 (House Bill No. 2) of the State of Louisiana, as approved on November 17, 1958, the State-gathering tax was suspended as of December 1, 1958. The Louisiana severance tax is set out in Act No. 2 which was also enacted on November 17, 1958, in the Extraordinary Session, to be effective as of December 1, 1958.

[2] Date on which the rates and charges subject to review in Docket No. G-16815 were made effeotive, subject to the terms and conditions set out in order issued April 6, 1959, in that docket.

from the severance tax levied by the State of Louisiana as set out in Act No. 2 of the Extraordinary Session of the 1958 Legislature. Should either the Louisiana gas-gathering or severance taxes be held invalid and the State of Louisiana makes refund, with interest, of the tax moneys collected as a result thereof, then, and in that event, a proportionate part of the interest so received by United Fuel shall be passed on and paid to the persons entitled thereto as may be required by final order of the Commission. United Fuel shall bear all costs of such refunding; shall keep accurate accounts in detail of all amounts received by reason of the increased rates or charges allowed by this order to become effective, for each billing period, specifying by whom and in whose behalf such amounts were paid; and shall report (original and one copy), in writing and under oath, to the Commission monthly for each billing period, and for each purchaser, the billing determinants of natural gas sales to such purchasers and the revenues resulting therefrom, as computed under the rates in effect immediately prior to September 23, 1958 and under the rates allowed to become effective in this Docket on September 23, 1958, together with the differences in the revenues so computed.

(E) As a condition of this order, within 20 days from the date of issuance hereof, United Fuel shall execute and file in triplicate with the Secretary of this Commission its written agreement and undertaking to comply with the terms of paragraph (D) as herein amended, signed by a responsible officer of the corporation, evidenced by proper authority from the board of directors, and accompanied by a certificate showing service of copies thereof upon all purchasers under the revised tariff sheets involved, as follows:

Agreement and Undertaking of United Fuel Gas Company To Comply With the Terms and Conditions of Paragraph (D), as Herein Amended, of Federal Power Commission's Order Making Effective Proposed Rate Changes

In conformity with the requirements of the order issued September 19, 1958, as amended by this order issued ----------, in Docket No. G-16316, United Fuel Gas Company hereby agrees and undertakes to comply with the terms and conditions of paragraph (D) of said latter order, and has caused the agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its board of directors, a certified copy of which is appended hereto this ------ day of ----------, 1959.

(B) The reports required to be filed by United Fuel by order issued August 9, 1957, in Docket No. G-12195, by order issued April 6, 1959, in Docket No. G-16815, and by order issued May 8, 1959, in Docket No. G-18420, shall continue to be filed by United Fuel until such time as said dockets are terminated or until United Fuel is otherwise relieved from making such reports.

(C) In all other respects, said order issued September 19, 1958, in this proceeding shall remain in full force and effect.

By the Commission.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 59-5740; Filed, July 10, 1959; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-29]

YANKEE ATOMIC ELECTRIC CO.

Notice of Issuance of Construction Permit Amendment

Please take notice that the Atomic Energy Comission by an order of the Presiding Officer dated May 19, 1959, has amended Construction Permit No. CPPR-5 issued to Yankee Atomic Electric Company. A public hearing on the proposed amendment was held on April 9, 1959. The Presiding Officer delivered his intermediate decision and order amending Paragraph D of the Construction Permit to read as follows:

D. Yankee Atomic Electric Company has adequate financial resources to meet the requirements of the Atomic Energy Act and the regulations issued thereunder in reference to the project set forth in the construction permit issued herein, as amended, and is financially qualified pursuant to § 50.40(b) of the AEC regulations to design and construct the facility (nuclear reactor) and is financially qualified pursuant to § 50.60(c)(2) of the AEC regulations to receive an allocation of special nuclear material.

The amendment, which for administrative purposes shall be referred to as Amendment No. 3, became effective on June 10, 1959.

Dated at Germantown, Md., this 7th day of July, 1959.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of Licensing and Regulation.

[F.R. Doc. 59-5736; Filed, July 10, 1959; 8:45 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

Issuance to Various Industries

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), Administrative Order No. 485 (23 F.R. 200) and Administrative Order No. 507 (23 F.R. 2720), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of ten percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Angelica Uniform Co., Eminence, Mo.; effective 6-9-59 to 6-8-60 (women's washable service uniforms).

Angelica Uniform Co., Marquand, Mo.; effective 6-18-59 to 6-17-60 (men's low-priced cotton pants).

Angelica Uniform Co., Summersville, Mo.; effective 6-12-59 to 6-11-60 (women's washable service uniforms).

Bowman Manufacturing Co., Inc., 199 Broughton SE., Orangeburg, S.C.; effective 6-10-59 to 6-9-60 (children's dresses).

Brookside Industries, Inc., Reidsville, N.C.; effective 6-19-59 to 6-18-60 (men's sport, uniform and dress shirts).

Columbus Manufacturing Co., Tabor City, N.C.; effective 6-24-59 to 6-23-60 (boys' shirts).

Devil Dog Manufacturing Co., Zebulan, N.C.; effective 7-1-59 to 4-24-60. Learners may not be employed at special minimum wage rates in the production of separate skirts (children's boxer shorts and longies) (replacement certificate).

Greenway Manufacturing Co., Waynesburg, Pa.; effective 6-10-59 to 6-9-60 (boys' and infants' cotton Polo shirts).

Hartwell Manufacturing Co., Inc., Depot Street, Hartwell, Ga.; effective 6-17-59 to 6-16-60 (men's and boys' cotton work trousers).

Helena Garment Co., Bobbie Brooks Square, West Helena, Ark.; effective 6-23-59 to 6-22-60 (junior's dresses).

Hortex Manufacturing Co., Inc., 100 South Cotton Avenue, El Paso, Texas; effective 6-12-59 to 6-11-60. (dungarees, waistband overalls, dress shorts and short pants).

The KYM Co., Jackson, Ga.; effective 6-12-59 to 6-11-60 (men's single pants).

Mary Ann Manufacturing Division, Wilmer Fashion Co., Inc., 268 West Broadway, Jim Thorpe, Pa.; effective 6-8-59 to 6-7-60 (women's and misses' dresses).

Mode O'Day Corp., Plant No. 2, 146 SW. Temple Street, Salt Lake City, Utah; effective 6-3-59 to 6-2-60 (women's dresses).

Montgomery Sylvania Manufacturing Co., Inc., 22 East Houston Avenue, Montgomery, Pa.; effective 6-7-59 to 6-6-60. Learners may not be employed at special minimum wage rates in the production of separate skirts (ladies' sportswear).

Publix Shirt Corp., Myerstown, Pa.; effective 6-12-59 to 6-11-60 (cotton dress shirts).

Sullcraft Manufacturing Co., Inc., Dushmore (Sullivan County), Pa.; effective 6-23-59 to 6-22-60 (men's and boys' pajamas and sportswear).

Thorsby Manufacturing Co., Thorsby, Ala.; effective 6-17-59 to 6-16-60 (women's blouses and shorts).

The Turner Manufacturing Co., 117 French Street, Goodlettsville, Tenn.; effective 6-3-59 to 6-2-60 (men's shirts).

Wilmer Fashion Co., Inc., 7th and Bridge Streets, Lehighton, Pa.; effective 6-8-59 to 6-7-60 (ladies' dresses).

Windsor Knit Co., Inc., Edinburg, Va.; effective 6-8-59 to 6-7-60 (infants' and children's outerwear).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Altamont Garment Co., North Third and Division Streets, Altamont, Ill.; effective 6-4-59 to 6-3-60; 10 learners (boys' trousers).

Fluffy Ruffling Manufacturing Co., 116½ South Center Street, Arlington, Tex.; effective 6-3-59 to 6-2-60; 5 learners (children's dresses).

Gross Galesburg Co., 154 North Main Street, Canton, Ill.; effective 6-23-59 to 6-22-60; 10 learners (work jackets and one-piece suits).

Hunter Bros. Co., Inc., Statesville, N.C.; effective 6-4-59 to 6-3-60; 5 learners, in the production of sport shirts only.

Jersey Shore Sylvania Manufacturing Co., Inc., Bank Avenue, Jersey Shore, Pa.; effective 6-6-59 to 6-5-60; 10 learners. Learners may not be employed at special minimum wage rates in the production of separate skirts (ladies' blouses and sportswear).

Roseboro Manufacturing Co., Roseboro, N.C.; effective 6-6-59 to 6-5-60; 5 learners (ladies' dresses).

Washington Garment Co., 112 East Sixth Street, Washington, N.C.; effective 6-9-59 to 6-8-60; 10 learners (children's dresses).

Wear Well Garment Co., Inc., First North and German Streets, New Ulm, Minn.; effective 6-18-59 to 6-17-60; 10 learners (ladies' slacks).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Bestform Foundations of Windber, Inc., 19th Street and Veil Avenue, Windber, Pa.; effective 6-15-59 to 12-14-59; 75 learners (brassieres).

Blackwelder Manufacturing Co., Inc., Yadkinville Highway, Mocksville, N.C.; effective 7-1-59 to 12-31-59; 10 learners (ladies' pajamas; men's and boys' sportshirts).

Fairfield Manufacturing Co., Inc., Winnsboro, S.C.; effective 6-15-59 to 12-14-59; 20 learners (women's cotton dresses).

Fleetline Industries, Inc., Garland, N.C.; effective 6-2-59 to 12-1-59; 20 learners (sportshirts).

Fortex Manufacturing Co., Fort Deposit, Ala.; effective 6-8-59 to 12-7-59; 30 learners (pajamas).

Glenn Berry Manufacturers, Inc., 126 North River Street, Commerce, Okla.; effective 6-8-59 to 12-7-59; 20 learners (men's and boys' denim dungarees and twill Ivy League trousers).

Gopher Manufacturing Co., Buffalo, Minn.; effective 6-8-59 to 12-7-59; 50 learners (children's outer garments).

Guin Garment Corp., Guin, Ala.; effective 6-8-59 to 12-7-59; 30 learners (boys' shirts).

International Latex Corp., LaGrange, Ga.; effective 6-10-59 to 12-9-59; 60 learners (brassieres).

International Latex Corp., Manchester, Ga.; effective 6-10-59 to 12-9-59; 40 learners (bids, shower caps, infants' pants, etc.).

Lamar Manufacturing Co., Millport, Ala.; effective 6-12-59 to 12-11-59; 30 learners (men's and boys' dress pants).

Lawrenceburg Manufacturing Co., 201 Depot Street, Lawrenceburg, Tenn.; effective 6-5-59 to 12-4-59; 25 learners (women's dresses).

Myrna Mills, Inc., Adamsville, Tenn.; effective 6-1-59 to 11-30-59; 30 learners (men's and boys' sport shirts).

Reidbord Bros. Co., Lumber Street, Buckhannon, W. Va.; effective 6-15-59 to 12-14-59; 35 learners (men's dress and work trousers).

Renovo Shirt Co., Inc., Mena, Ark.; effective 6-10-59 to 12-9-59; 100 learners (ladies' and men's shirts).

Henry I. Siegel Co., Inc., Hohenwald, Tenn.; effective 6-8-59 to 12-7-59; 55 learners (work pants and shirts) (supplemental certificate).

Henry I. Siegel Co., Inc., South Fulton, Tenn.; effective 6-15-59 to 12-14-59; 100 learners (men's and boys' pants).

Stately Lady Nitewear, Inc., Charlotte, N.C.; effective 6-2-59 to 12-1-59; 25 learners (ladies' and children's pajamas and night gowns).

Levi Strauss & Co., Warsaw, Va.; effective 6-10-59 to 12-9-59; 25 learners (men's cotton work pants).

Swingmaster Corp., Wellsville, Mo.; effective 6-8-59 to 12-7-59; 10 learners (children's woven and purchased knitted sportswear).

Thorsby Manufacturing Co., Thorsby, Ala.; effective 6-17-59 to 12-16-59; 15 learners (women's blouses and shirts).

True Loom Manufacturing Co., Inc., Lafayette, Tenn.; effective 6-8-59 to 12-7-59; 35 learners (men's sport shirts).

Williamson Dickie Manufacturing Co., Weslaco, Tex.; effective 6-15-59 to 11-14-59; 30 learners (men's and boys' cotton casual pants) (replacement certificate).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.55, as amended).

The Batesville Co., Batesville, Miss.; effective 6-18-59 to 6-17-60; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Capitol Mills, Inc., South Wayne Street, Milledgeville, Ga.; effective 6-8-59 to 6-7-60; 5 learners for normal labor turnover purposes (seamless).

Southern Hosiery Mill, 953 C Avenue SE., Hickory, N.C.; effective 6-9-59 to 6-8-60; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35).

Bluemont Knitting Mills, Inc. (formerly Wonderknit Corp.), Galax, Va.; effective 6-23-59 to 6-22-60; 5 percent of the total number of factory production workers for normal labor turnover purposes (knit shirts and pajamas).

Chalmers Knitting Co., Inc., Amsterdam, N.Y.; effective 6-9-59 to 6-8-60; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and children's underwear and men's handkerchiefs).

Chalmers Knitting Co., Inc., Amsterdam, N.Y.; effective 6-9-59 to 12-8-59; 20 learners for plant expansion purposes (men's, women's and children's underwear and men's handkerchiefs).

Hamlet Products Co., 323 East Hamlet Avenue, Hamlet, N.C.; effective 6-9-59 to 9-16-59; 5 learners for normal labor turnover purposes (ladies' lingerie) (replacement certificate).

Hamlet Products Co., Rockingham, N.C.; effective 6-9-59 to 6-9-60; 5 learners for normal labor turnover purposes (ladies' lingerie) (replacement certificate).

Hamlet Products Co., Rockingham, N.C.; effective 6-9-59 to 12-8-59; 45 learners for plant expansion purposes (ladies' lingerie).

Hunter Bros. Co., Inc., Statesville, N.C.; effective 6-4-59 to 6-3-60; 5 learners for normal labor turnover purposes in the production of woven undershorts and ladies' blouses and dusters.

Junior Form Lingerie Corp., Atkinson Way, Boswell, Pa.; effective 6-3-59 to 6-2-60; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' slips).

Junior Form Lingerie Corp., Boswell, Pa.; effective 6-3-59 to 6-2-60; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' slips, night gowns and panties).

I. Mathews & Bro., 64 Conduit Street, New Bedford, Mass.; effective 7-3-59 to 7-2-60; 5 learners for normal labor turnover purposes (ladies' and children's cotton, nylon, rayon, and plastic panties).

Norwich Mills, Inc., Clayton, N.C.; effective 6-2-59 to 12-1-59; 30 learners for plant expansion purposes (knitted outerwear and underwear).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

Michaels Stern & Co., Inc., 204 Liberty Street, Penn Yan, N.Y.; effective 6-15-59 to 12-14-59; authorizing the employment of 5 percent of the total number of factory production workers for normal labor turnover purposes in the occupations of sewing machine operator, hand sewer, final pressing, and finishing operations involving hand sewing, each for a learning period of 480 hours; at the rates of at least 90 cents an hour for the first 280 hours and not less than 95 cents an hour for the remaining 200 hours (men's suits and sportcoats).

Mohawk Lining Co., Inc., 804 Broadway, Schenectady, N.Y.; effective 6-8-59 to 12-7-59; authorizing the employment of 3 learners for normal labor turnover purposes in the occupation of glove lining sewer, for a learning period of 480 hours at rates of at least 85 cents an hour for the first 320 hours and not less than 95 cents an hour for the remaining 160 hours (glove linings).

Newey Bros., Inc., St. Johnsbury Road, St. Johnsbury, Vt.; effective 6-3-59 to 12-2-59; authorizing the employment of 5 learners for normal labor turnover purposes in the occupation of sewing machine operator for a learning period of 240 hours, at rates of at least 85 cents an hour for the first 120 hours and 90 cents an hour for the remaining 120 hours (sewn hook-and-eye tape).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated.

Barry Corp., Barrio Obrero Station, Santurce, P.R.; effective 5-17-59 to 3-25-60; authorizing the employment of 10 learners for normal labor turnover purposes in the occupation of sewing machine operator, for a learning period of 480 hours, at rates of 57 cents an hour for the first 240 hours and 66 cents an hour for the second 240 hours (fabric gloves) (replacement certificate).

The Carib Co., Inc., Aibonito, P.R.; effective 5-17-59 to 1-18-60; authorizing the employment of 15 learners for normal labor turnover purposes in the occupations of machine sewing and laying off, each for a learning period of 480 hours, at rates of 57 cents an hour for the first 240 hours and 66 cents an hour for the second 240 hours (women's gloves) (replacement certificate).

Caribe Flower Co., Cayey, P.R.; effective 5-18-59 to 11-17-59; authorizing the employment of 75 learners for plant expansion purposes in the occupation of decorator (hat and cap) (including the pasting, trimming

and steaming of feathers), for a learning period of 240 hours, at the rate of 58 cents an hour (hat decoration).

Carolina Brassiere Co., Inc., International Airport Branch, San Juan, P.R.; effective 6–1–59 to 11–30–59; authorizing the employment of 25 learners for plant expansion purposes in the occupation of sewing machine operator (2 needle machines), for a learning period of 480 hours at rates of 60 cents an hour for the first 320 hours and 70 cents an hour for the remaining 160 hours (brassieres).

Edro Corp., Anasco, P.R.; effective 5–17–59 to 10–8–59; authorizing the employment of 12 learners for normal labor turnover purposes in the occupations of sewing machine operator and laying off, each for a learning period of 480 hours, at rates of 57 cents an hour for the first 240 hours and 66 cents an hour for the second 240 hours (fabric gloves) (replacement certificate).

General Electric Wiring Devices, Inc., Juana Diaz, P.R.; effective 5–25–59 to 11–24–59; authorizing the employment of 30 learners for plant expansion purposes in the occupations of molders and assemblers, each for a learning period of 480 hours at rates of 80 cents for the first 240 hours and 90 cents an hour for the second 240 hours (electrical wiring devices).

Glamourette Fashion Mills, Inc., Quebradillas, P.R.; effective 5–21–59 to 5–20–60; authorizing the employment of 16 learners for normal labor turnover purposes in the occupations of: (1) knitting, topping and looping, each for a learning period of 480 hours at rates of 72 cents an hour for the first 240 hours and 84 cents an hour for the second 240 hours; (2) machine stitching, pressing, hand sewing, finishing operations involving hand sewing each for a learning period of 320 hours at rates of 72 cents an hour for the first 160 hours and 84 cents an hour for the second 160 hours; and (3) winders, for a learning period of 240 hours at the rate of 72 cents an hour (full-fashioned sweaters).

Gordonshire Knitting Mills No. 2 (Andrew Hosiery Mills Division), Cayey, P.R.; effective 5–25–59 to 11–24–59; authorizing the employment of 55 learners for plant expansion purposes in the occupations of: (1) loopers and menders, each for a learning period of 960 hours at rates of 50 cents an hour for the first 480 hours and 57 cents an hour for the second 480 hours; (2) preboarding for a learning period of 480 hours at rates of 50 cents an hour for the first 240 hours and 57 cents an hour for the second 240 hours; and (3) examiners and knitters, each for a learning period of 240 hours at the rate of 50 cents an hour (seamless hosiery).

Haddon Corp., Sabana Grande, P.R.; effective 5–25–59 to 11–24–59; authorizing the employment of 50 learners for plant expansion purposes in the occupation of sewing machine operator for a learning period of 480 hours at rates of 53 cents an hour for the first 240 hours and 62 cents an hour for the second 240 hours (boys' and girls' pajamas).

La Vega Co., Inc., Albonito, P.R.; effective 5–29–59 to 5–28–60; authorizing the employment of 30 learners for normal labor turnover in the occupation of sewing machine operator for a learning period of 480 hours at rates of 53 cents an hour for the first 240 hours and 62 cents an hour for the second 240 hours (women's underwear).

Manuela Manufacturing Co., Inc., Naranjito, P.R.; effective 5–27–59 to 11–3–59; authorizing the employment of 50 learners for plant expansion purposes in the occupations of: (1) machine embroidery operator for a learning period of 480 hours at rates of 53 cents an hour for the first 240 hours and 62 cents an hour for the second 240 hours; (2) hand cutting of applique for a learning period of 240 hours at rates of 53 cents an hour for the first 160 hours and 62 cents an hour for the remaining 80 hours (machine embroidery and hand cutting of applique) (replacement certificate).

Overseas Sports Co., Inc., Mayaguez, P.R.; effective 5–28–59 to 8–15–59; authorizing the employment of 50 learners for plant expansion purposes in the occupations of: (1) hand sewing of baseballs and softballs, for a learning period of 320 hours at rates of 47 cents an hour for the first 160 hours and 55 cents an hour for the second 160 hours; (2) winders, core compressing machine operators, each for a learning period of 160 hours at the rate of 47 cents an hour (baseballs and softballs) (replacement certificate).

Pan American Screw Corp., Rio Grande, P.R.; effective 5–20–59 to 5–19–60; authorizing the employment of 5 learners for normal labor turnover purposes in the occupations of header operator, roll threader operator, cut thread operator, plating and cleaning, slotter and shaver operator, inspector and shipper, and heat treating, each for a learning period of 480 hours at the rate of 75 cents an hour for the first 240 hours and 88 cents an hour for the second 240 hours (screws and bolts).

Paradise Manufacturing Co., Gurabo, P.R.; effective 6–1–59 to 11–30–59; authorizing the employment of 40 learners for plant expansion purposes in the occupation of sewing machine operator, for a learning period of 480 hours at rates of 60 cents an hour for the first 320 hours and 70 cents an hour for the remaining 160 hours (brassieres).

Paula Brassiere Co., Inc., State Highway No. 1, KM. 34.2, Caguas, P.R.; effective 6–1–59 to 5–31–60; authorizing the employment of 14 learners for normal labor turnover purposes in the occupation of power sewing machine operator for a learning period of 480 hours at rates of 60 cents an hour for the first 320 hours and 70 cents an hour for the remaining 160 hours (brassieres).

Rafali Corp., Road No. 2 to San German, Marina Station, Mayaguez, P.R.; effective 6–1–59 to 11–30–59; authorizing the employment of 55 learners for plant expansion purposes in the occupations of: (1) machine embroidery operators and sewing machine operators, each for a learning period of 480 hours, at rates of 53 cents an hour for the first 240 hours and 62 cents an hour for the second 240 hours; and (2) hand cutters of applique, for a learning period of 240 hours at rates of 53 cents an hour for the first 160 hours and 62 cents an hour for the remaining 80 hours (lingerie).

Tempo Glove Corp., Bo. Coqui, Salinas, P.R.; effective 6–8–59 to 6–7–60; authorizing the employment of 11 learners for normal labor turnover purposes in the occupation of sewing machine operator for a learning period of 480 hours at rates of 57 cents an hour for the first 240 hours and 66 cents an hour for the second 240 hours (gloves).

Trio Knitting Corp., Coamo, P.R.; effective 5–18–59 to 5–17–60; authorizing the employment of 10 learners for normal labor turnover purposes in the occupation of hand knitting machine operators for a learning period of 480 hours at rates of 72 cents an hour for the first 240 hours and 84 cents an hour for the second 240 hours (sweaters).

Trouser Corporation of Puerto Rico, Fajardo, P.R.; effective 6–8–59 to 12–7–59; authorizing the employment of 50 learners for plant expansion purposes, in the occupations of: (1) sewing machine operations, final pressing, hand sewing and finishing operations involving hand sewing, each for a learning period of 480 hours at rates of 54 cents an hour for the first 240 hours and 63 cents an hour for the second 240 hours; and (2) final inspection of fully assembled garments, machine operations other than sewing machine, and pressing other than final pressing, each for a learning period of 160 hours at the rate of 54 cents an hour (men's and boys' semi-dress trousers).

Williams Corporation of Puerto Rico, Luquillo, P.R.; effective 5–17–59 to 9–11–59; authorizing the employment of 54 learners for plant expansion purposes in the occupations of: (1) binders, outside shell sewers, liner sewers, and machine stitching, each for a learning period of 480 hours at rates of 57 cents an hour for the first 240 hours and 66 cents an hour for the second 240 hours; and (2) outside shell sealers for a learning period of 160 hours at the rate of 57 cents an hour (machine-made gloves and mittens) (replacement certificate).

The following learner certificates were issued in The Virgin Islands to the companies hereinafter named. The effective and expiraton dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated.

Avoca Corp., 78–79 Kronprindsens Gade, Charlotte Amalie, St. Thomas, V. I.; effective 5–29–59 to 11–28–59, authorizing the employment of 4 learners for plant expansion purposes in the occupation of lace re-embroiderer (machine embroidery operator), for a learning period of 240 hours at the rate of 45 cents an hour (reembroidery of French lace).

Vimar Corp., 69 Kronprindsens Gade, Charlotte Amalie, St. Thomas, V. I.; effective 5–29–59 to 11–28–59, authorizing the employment of 25 learners for plant expansion purposes in the occupation of shoe lace pairer, for a learning period of 360 hours at rates of 45 cents an hour for the first 240 hours and 50 cents an hour for the remaining 120 hours (shoe laces).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER, pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D.C., this 25th day of June 1959.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F.R. Doc. 59–5711; Filed, July 9, 1959; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Taylor's I.C.C. Order 103]

DETROIT AND TOLEDO SHORE LINE RAILROAD CO.

Rerouting or Diversion of Traffic

In the opinion of Charles W. Taylor, Agent, The Detroit and Toledo Shore Line Railroad Company, because of work stoppage, is unable to transport traffic routed over and to points on its line.

It is ordered, That:

(a) Rerouting traffic: The Detroit and Toledo Shore Line Railroad Company, and its connections, is hereby authorized to divert or reroute such traffic over any available route to expedite the movement, regardless of routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroads desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers: The carriers rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 11:00 a.m., July 3, 1959.

(g) Expiration date: This order shall expire at 11:59 p.m., July 17, 1959, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., July 3, 1959.

INTERSTATE COMMERCE COMMISSION,
CHARLES W. TAYLOR,
Agent.

[F.R. Doc. 59-5744; Filed, July 10, 1959; 8:46 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 7, 1959.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 35532: *Potassium—Carlsbad and Loving, N. Mex., to southwestern points.* Filed by The Atchison, Topeka and Santa Fe Railway Company, Agent (No. 87-A), for interested rail carriers. Rates on potassium (potash), and related articles, carloads from Carlsbad and Loving, N. Mex., to specified points in Arkansas, Louisiana, Missouri, Oklahoma, and Texas.

Grounds for relief: Competition of unregulated motor trucks.

Tariff: Supplement 35 to The Atchison, Topeka and Santa Fe Railway Company tariff I.C.C. 14836.

FSA No. 35533: *Fertilizers—Western points to eastern and southern points.* Filed by Southwestern Freight Bureau, Agent (No. B-7575), for interested rail carriers. Rates on fertilizers and fertilizer materials, carloads from points in Arkansas, Kansas (Lawrence and Military), Louisiana (west of the Mississippi River), Missouri, Nebraska (La Platte), New Mexico, Oklahoma, and Texas to points in Alabama, Florida, Georgia, Kentucky, Louisiana (east of the Mississippi River), Mississippi, North Carolina, South Carolina, Tennessee, and Virginia, also Evansville, Ind., Cincinnati, Ohio, and specified points in West Virginia.

Grounds for relief: Short-line distance formulas and grouping.

Tariffs: Supplement 56 to Southwestern Freight Bureau tariff I.C.C. 4290. Supplement 45 to Western Trunk Line Committee tariff I.C.C. A-4241.

FSA No. 35534: *Substituted service—CRI & P RR for Gateway Transportation Co.* Filed by Middlewest Motor Freight Bureau, Agent (No. 176), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars between Chicago (Burr Oak), Ill., and Des Moines, Iowa, or St. Paul (Inver Grove), Minn., and between Des Moines, Iowa, and St. Paul (Inver Grove), Minn., on traffic originating at or destined to points on motor carriers in territories described in the application.

Grounds for relief: Motor truck competition.

Tariff: Supplement 104 to Middlewest Motor Freight Bureau, Agent, tariff MF-I.C.C. 223.

FSA No. 35535: *Tetrachloride and perchloroethylene—Wichita, Kans., to South.* Filed by Western Trunk Line Committee, Agent (A-2071), for interested rail carriers. Rates on carbon tetrachloride, liquid, and perchloroethylene, liquid, carloads from Wichita, Kans., to points in states in southern territory, also Helena, Ark., as described in the application.

Grounds for relief: Short-line distance formulas. Market competition at destinations with producing points in official territory. Maintenance of present levels of rates from intermediate origins and to intermediate destinations in other territories.

Tariff: Supplement 45 to Western Trunk Line Committee tariff I.C.C. A-4241.

FSA No. 35536: *Cement within Southwest and from western trunk line territory to the Southwest.* Filed by Southwestern Freight Bureau, Agent (No. B-7579), for interested rail carriers. Rates on cement, and related articles, carloads, as more fully described in the application (a) from and to points in the Southwest, and (b) from and to points in western trunk line and Illinois territories and from those territories to points in the Southwest.

Grounds for relief: Short-line distance formula.

Tariffs: Southwestern Freight Bureau tariff I.C.C. 4162 and four other schedules as described in the application.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 59-5718; Filed, July 9, 1959; 8:49 a.m.]

CUMULATIVE CODIFICATION GUIDE—JULY

A numerical list of the parts of the Code of Federal Regulations affected by documents published to date during July. Proposed rules, as opposed to final actions, are identified as such.